



# Licensing and Health and Safety Enforcement Committee

**TUESDAY 20 APRIL 2021 AT 6.30 PM**

## **Microsoft Teams - Microsoft Teams**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

### Membership

Councillor Allen	Councillor Link
Councillor Mrs Bassadone	Councillor Peter
Councillor Bhinder (Vice-Chairman)	Councillor Pringle
Councillor P Hearn (Chairman)	Councillor Rogers
Councillor Imarni	Councillor R Sutton
Councillor Johnson	Councillor Woolner

### **Substitute Members:** Councillors

For further information, please contact Corporate and Democratic Support or 01442 228209

## **AGENDA**

- 1. MINUTES** (Pages 3 - 5)  
To approve the minutes from the last meeting.
- 2. APOLOGIES FOR ABSENCE**  
To receive any apologies for absence
- 3. DECLARATIONS OF INTEREST**  
To receive any declarations of interest.
- 4. PUBLIC PARTICIPATION**
- 5. TAXI LICENSING POLICY** (Pages 6 - 222)



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## DACORUM BOROUGH COUNCIL

### LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

16 March 2021

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Present-

#### MEMBERS:

Councillor Hearn (Chairman), Bassadone, Johnson, Link, Pringle, Rogers and Woolner

#### OFFICERS:

Nathan March	Licensing Team Leader
Nargis Sultan	Legal Governance Team Leader
Layla Fowell	Corporate & Democratic Support Officer (Minutes)

The meeting began at 6.30 pm

#### 1. MINUTES

The minutes of the meeting held on 19<sup>th</sup> January 2021 were agreed by the members present and will be signed by the Chairman at the next available opportunity.

#### 2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Rosie Sutton

#### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 4. PUBLIC PARTICIPATION

There was no public participation.

#### 5. PAVEMENT LICENCES REPORT

NMarch introduced the report to members.

They key points were

Sometime last year they looked to help business they sped up pavement licences process, this usually would sit with Herts County Council however they have brought this over to the district and borough council, this was temporary legislation that would run up until September 2021, however with the restrictions running on longer they

have indicated that they are looking to seek parliamentary approval to extend the process until 30<sup>th</sup> September 2022. Nothing else is changing.

Previously when we discussed this we agreed we would charge £100 and that would run until the end of the legislation. What he asked is that we are still happy to do this and if they apply now this would be £100 up until September 2021 and then if they require a pavement licence next year they could apply and it will cost are further £100.

The other aspect is that pavement licences in the past had to have been agreed whereas the legislation at the moment, if they don't do anything with it its considered as being agreed and issued anyway so there is a fast process in place, they currently have delegations to the assistant director and group manager for who have responsibility for licensing and were seeking for that to continue until the legislation conclude at the end of September 2022.

Currently it's still seeking parliamentary approval but given the nature of what they've been looking at doing and the support for businesses he is confident that approval will be given so they need to make sure they have everything in place for when that happens.

NMarch asked the committee if they had any questions

Cllr Bassadone asked how many businesses do we have signed up at the moment, do you expect any more to apply.

NMarch said we only have 1 live licence however 2 further premises have enquired one of which has applied and due to go to consultation. He is expecting more will apply as they become more aware of the licence and were now only getting to the point where this will be valid, with lockdown and everything being closed also he said with the summer approaching more will be looking to apply. He said this will only to apply where the land in front is highway, he said that they did have one apply which was DBC land and this takes a different process.

Cllr Rogers asked Nathan if there were any plans to raise awareness with business as he feels this show that we are thinking of them and doing our best to help their businesses.

NMarch said there is nothing currently planned this is mainly due to resource however there is a lot of officer presence on the streets in terms of officer, for example Covid advisors, the licensing team's enforcement officers looking at restrictions and they will be advising of options. He said that they don't have a great way of getting out to licence premises as they come in all shapes and sizes and not just licensed premises, it covers unlicensed food and drink retailers also. He also said that government are releasing communication also with a roadmap and road to recovery which talks about alfresco dining. He said when they have previously sent letters out about changes it's been a challenge as they were sending them out and then lockdown was announced again. It will also be a case of when businesses operate with tables and chairs without a licence where possible they will not enforce but advise they require a licence.

There could be an issue with noise nuisance however they will deal with that as and when it arises.

Cllr Rogers said in terms of encouraging this do they have email addresses that they could send notification out that could be helped by the Coms team.

NMarch said that it's not always the premises that deal with the licence, it could be solicitors or agents. He said it's not always the correct email address from when they moved over from the magistrates or we have very limited details, postal is usually the way forward however this could be quite costly in terms of producing letters and sending them out, also to consider the other works that they have on at the time.

#### Recommendation

To agree the fees of £100 for pavement licensing will remain for a further year until 2022 should the issue of pavement licensing remain with the council for that time.

To agree that the duration of licences issued after the 30th September 2021 will be up to 12 months will all of those licences remaining until the 30<sup>th</sup> September 2022. To confirm that the delegation for responsibility for granting refusal and revocation of the licences including amending conditions remain with the Assistant Director Corporate & Contracted services and the Group Manager of Legal and Corporate services for the duration now the powers being with the council.

The committee agreed the recommendation.

# Agenda Item 5



## AGENDA ITEM:

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	20 April 2021
PART:	I
If Part II, reason:	

Title of report:	<b>Draft Taxi and Private Hire Licensing Policy – Consultation outcome</b>
Contact:	Nathan March - Licensing Team Leader
Purpose of report:	To report on the consultation outcome of the draft policy and to seek agreement of the policy, with or without amendments following consideration of the consultation responses and officer comments.
Recommendations	To approve and adopt the policy, with any necessary amendments.  To approve proposed timescales for implementation of new requirements as laid out in the report.
Corporate objectives:	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> <li>• Ensuring efficient, effective and modern service delivery</li> </ul>
Implications:	<p>Equalities Implications</p> <p>A full Equalities impact assessment has been completed and is available.</p> <p>Financial / Value for Money / Risk / Health And Safety Implications</p>

	<p>Financial</p> <p>The draft policy includes a variety of changes which will affect both the trade, and the work that officers are required to do, some of these will reduce the cost to the Council in providing the service, others will have increasing cost implications, and there is also an opportunity for additional cost recovery. Overall it is expected that the Policy changes will be close to cost neutral, and any changes will be considered when fees are set for the relevant licences.</p> <p>Value for Money</p> <p>The new policy brings a collection of the Council's existing guidance documents together into one policy, this will reduce the Committee burden when considering any future reviews. The Policy also seeks to increase the efficiency of the Council's work in this area of licensing so that an improved service can be provided at a lower cost.</p> <p>Risk</p> <p>The Policy seeks to reduce risk to the public and also to the reputation of the Council as it strengthens the requirements on applicants and existing licence holders, as well as improves the practices of the Council when carrying out its regulatory function for these licences.</p>
<p>Consultees:</p>	<p>The existing licensed trade were consulted with, the consultation will be carried out directly with the individual licence holders, as well as with the Trade Association.</p> <p>A wider consultation was also undertaken so that members of the public had an opportunity to respond.</p>
<p>Background papers:</p>	
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	

## 1. BACKGROUND

- 1.1. This report is to advise Members of the outcome of the consultation for the draft revised Taxi and Private Hire Licensing Policy attached as Appendix 1.
- 1.2. The consultation ran from 9 September 2020 to 4 January 2021, an additional 4 weeks following agreement of the Chair of the Committee in order to allow further promotion of the consultation via the Council's Dacorum Digest, responses are attached as Appendix 2.

- 1.3. The agreement to go to consultation on the policy was made by the Committee just prior to the pandemic. The consultation was delayed as a result of the Covid 19 outbreak, partly as resources were focused on assisting the licensees across various regimes to understand the impact of the virus and restrictions on their work, as well as developing the licensing services in order to cope with the changing approach that has had to be adopted to continue to provide a service in this time.
- 1.4. However, once these things were in place, it was agreed that the consultation should take place, rather than being put on hold until the pandemic had passed. This is due to there being a significant number of important changes that needed to be introduced as soon as reasonably possible to ensure that the Council's policies in regards to this area of licensing remain fit in light of how the trade, and issues that affect the trade and wider community, have developed since the existing guidance and standards had been reviewed.
- 1.5. It is also notable that The Department for Transport released its new statutory guidance for local authorities during the course of the pandemic, and has expected that local licensing authorities make progress on adopting new standards which reflect the expected standards described in the guidance (the guidance is attached as Appendix 3), a large proportion of the proposed changes to be introduced as part of the Council's new policy closely reflect what the DfT has advised is expected.
- 1.6. It is also the case that other consultations have continued to take place during the pandemic, as a balance has been achieved in terms of adjusting services to cope with the additional pressure of working through a pandemic, and also seeking to maintain as much 'business as usual' as possible in this time.
- 1.7. The duration of this consultation was 16 weeks, which is 4 weeks longer than the normal expected duration for a significant change to policy. During the consultation 67 responses were received, which is a large number of consultation responses in comparison to what the Council normally receives for similar licensing consultations. Taking all this into account, whilst a large number of the responses received proposed that the consultation should not have taken place until the pandemic had passed, this does not appear to be a suitable or appropriate approach to have taken. However, some of the sections of the draft policy do include set timescales for introduction of new standards, and these will need to be reconsidered, taking into account the time that it has taken to bring the policy to the Committee, and the impact that Covid 19 has had on the trade.
- 1.8. The Department for Transport has released new guidance titled "Statutory Taxi & Private Hire Vehicle Standards" attached as Appendix 3 and it is essential that the Council gives full consideration of the standards laid out in this document. This has been checked against the draft policy, and the policy is not at odds with the standards, and should the policy be adopted, The Council will be meeting nearly all of the Department for Transport's expected standards.
- 1.9. There are some inconsistencies with the numbering of sections and paragraphs in the attached draft of the policy, these have been left as they were to enable easier cross referencing of the comments received during the consultation and will be updated as part of the finalisation of the document when all additions and changes have been completed.

1.10. Given that the draft policy has previously been agreed by the Committee, only sections that have been referred to within consultation responses should be considered for amendments

## 2. KEY MATTERS ARISING THROUGH CONSULTATION

2.1. The following section pulls out the key matters that were raised in response to the consultation, but is not comprehensive, and additional matters appear within the full consultation responses attached, which the Committee may wish to consider when finalising the policy.

### 2.2. Emissions

- The section on the policy that proposes new emissions was the most significant matter in terms of responses to the consultation.
- The original proposal was as follows:

*The Council has, along with many other councils in the UK, declared that there is a current and future climate change emergency that requires urgent planning and action, one of the agreed plans of the Council is to ensure all services make the maximum possible impact in challenging the extent and causes of climate change.*

**At first application** – Vehicles must meet or exceed Euro 5 emissions standards (From 01/04/2021 vehicles must meet or exceed Euro 6 emissions standards at first application.)

**At renewal** – From 01/04/2021 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 5 emissions standards. From 01/04/2023 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards.

*By 2025 all vehicles will be expected to meet an electric/hybrid standard*

*Where vehicles do not meet the relevant emissions criteria the proprietor may:*

- *have the vehicle adapted / modified to meet the standard and provide evidence of this*
- *change the fuel that is used to a cleaner alternative, such as bio diesel or*
- *replace the vehicle with one that meets the emission standard.*

#### **When will the different criteria be applied?**

*If the licence of a currently licensed Hackney Carriage or Private Hire Vehicle is allowed to EXPIRE by its proprietor then any subsequent application will NOT be considered as a renewal. This means that where an existing vehicle licence expires, a subsequent application for a licence for that vehicle will be treated as a first time application and the standards and criteria relating to first time applications will be applied.*

*For the avoidance of doubt when a new vehicle has an existing plate transferred onto it the vehicle will be considered under the emissions criteria for a vehicle being licensed for the first time.*

- The responses to the consultation in regards to this part of the policy are broadly shared views from the trade which can be summarised as stating that this policy is uneconomical for the trade, especially in regards to the pandemic and the impact that this has had on the trade.
- There is some confusion from some of the responses where the individuals have interpreted that they must buy new vehicles every few years, whereas the policy allows a stepped approach towards electric vehicles. It is likely that the most economical approach for licensees would be to purchase an electric vehicle as soon as possible, to be future proofed against the stepped changes that the policy may introduce, but alternative approaches may also be available, but this would be for the individual licensees to investigate.
- Given that the Council has declared a climate emergency, the Committee must consider the appropriate balance between protecting the climate in whatever way it can, and supporting the local trade by ensuring that any finalised policy is workable for individual licensees.
- The Government has recently brought forward requirements for all new built vehicles to be electric by 2030, but there will still be a large second hand market and exiting vehicles on the roads. Given that the Council has declared a climate emergency, it may be considered inappropriate to simply follow the Governments timelines for all vehicles, when the Council is able to have policies in place much sooner to start to have a positive impact on the emissions its licensed vehicles are responsible for.
- Some responses have highlighted concerns around infrastructure for charging of electric vehicles, this is a legitimate concern and it is recognised that much needs to be done to improve this around Dacorum, however, this work is currently taking place, and so the situation is expected to be much different by the time any requirements comes in for fully electric vehicles, so long as this isn't immediate. Such a requirement could also help to focus some of the infrastructure on improved provision for charging in places that will be accessible to licensed vehicles as part of their normal work routines. The policy only requires all vehicles to be at least hybrid, within the set timescales, so this does mitigate against any infrastructure issues making the use of fully electric vehicles difficult for the licensed trade.
- Given the delay in the policy introduction, and the impact of coronavirus. It is proposed whilst the emissions requirements and the stepped approach remains in place as agreed by the Committee when the policy was laid in draft, an additional 24 months be added to each steps, with the exception of any brand new vehicle licences issues (as opposed to renewal of existing plates). This would mean the following:

***At first application*** – Vehicles must meet or exceed Euro 6 emissions standards

***At renewal*** – From 01/04/2023 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 5 emissions standards. From 01/04/2025 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards.

*By 2027 all vehicles will be expected to meet an electric/hybrid standard*

*Where vehicles do not meet the relevant emissions criteria the proprietor may:*

- *have the vehicle adapted / modified to meet the standard and provide evidence of this*
- *change the fuel that is used to a cleaner alternative, such as bio diesel or*
- *replace the vehicle with one that meets the emission standard.*

***When will the different criteria be applied?***

*If the licence of a currently licensed Hackney Carriage or Private Hire Vehicle is allowed to EXPIRE by its proprietor then any subsequent application will NOT be considered as a renewal. This means that where an existing vehicle licences expires, a subsequent application for a licence for that vehicle will be treated as a first time application and the standards and criteria relating to first time applications will be applied.*

*For the avoidance of doubt when a new vehicle has an existing plate transferred onto it the vehicle will be considered under the emissions criteria for a vehicle being licensed for the first time.*

- 2.3. The generic response from many of the trade has pointed to adaptations/modifications not being possible for existing vehicles. Whilst this is currently understood to be the case, having this clause in the policy does future proof it in case such modifications were to become available, and would benefit the trade as would ensure there was not a need for these modifications to be considered by the committee, rather than simply having the licence issued by the Licensing team.
- 2.4. One of the responses specifically refers to a minimum of annual checks against driver criminal records, the Statutory Taxi & Private Hire Vehicle Standards places an expectation on the licensing authority to carry out these checks every six months. This is not a change to the draft policy, as the policy simply requires drivers to be signed up to the update service, but it is proposed that this be included so that drivers are aware of the timescale, and also that if they are not signed up to the update service, a six monthly check will be expected in any case, which will be costly if they do not sign up to the update service.
- 2.5. One response suggested that saloons should be phased out for taxis, with black cabs being encouraged due to being more disability friendly. The Council already has a requirement for new vehicles to be wheelchair accessible, and this is not being removed as part of the new policy.
- 2.6. A response from Sue Prowse, Improvement and Engagement Projects Lead Officer The Council Strategic Housing team made several points for consideration:

- Support for the new DBS requirements, and the removal of temporary licences
- A suggestion about communication of the policy changes taking into account that many drivers are Pakistani/Bangladeshi
- A suggestion of a communication strategy over a wide range of services and venues where BAME drivers are likely to be reached
- Concerns about section 1 of the policy not being relevant to licensing.

With regards to the general issue of communication with drivers, as part of obtaining a licence drivers must prove to have a good level of English, so the Council would expect them to be able to understand any communication in English to an acceptable level. Drivers whose English is not at an acceptable standard could be required by the Licensing committee to obtain an acceptable standard if this led to issues with their licence, and this is in line with them being considered 'fit and proper' to hold a licence.

The Licensing team communicates with drivers in a variety of ways, and a key method is the e-Newsletter which they are encouraged to sign up to. As part of obtaining a licence individuals are committing to maintain their knowledge of the relevant legislation and local policy that they must comply with. Whilst the Licensing team will do its best to assist in communicating any changes, the responsibility must remain with any person holding a licence.

The final point made about section 1 of the policy is an interesting one. It is surprising that this is not felt to be relevant to the licensing of the taxi and private hire trade. The section covers details of the borough generally and describes the population demographics, geography, and touches on the local economy and leisure provision, all of which are intrinsically linked to the work of the licensed trade, so are relevant to individuals who may be considering working as a licensee in our borough.

## 2.7. Training requirements

The response numbered as 7 in Appendix 2 expresses concerns about the standard of training given and action taken in regards to disability and specifically the requirements around assistance dogs. The draft policy refers to disability training being required as part of obtaining a licence, but does not go into specific details of what will be provided. Training will be tailored over time, and will certainly include information of legal responsibility of drivers, so the concerns raised will be addressed as part of any training, but this would not be covered in detail in a policy such as the draft policy that is being presented. The draft policy does detail the laws in regards to assistance dogs in Section 7.

## 2.8. General concerns from the trade

Responses 10 and 17 in Appendix 3 are duplicate letters that have been drafted and signed by 115 members of the trade. Some matters have been dealt with already but those that haven't have been addressed below:

- Point 4 of the letter is inaccurate as the policy section referred to is an accurate reflection of the legal standing of policies and guidance, and an appropriate approach that the council should be expected to take.

- Point 5 suggests that the Council should chase applicants for missing aspects of their application. This would take away responsibility from the applicants, and place more emphasis on use of council resources to chase for documents, which is not considered to be the appropriate given limited resources, and an expectation that applicants should be capable of providing the relevant documents required without the Licensing team having to 'hand-hold' applicants through the process.
- Point 6 in the response is in support of the section it says it is against, as section 5.5 merely makes it clear that the Assistant Director has delegated powers to suspend or revoke drivers with immediate effect should any criminality become apparent on renewal.
- Point 7 in the response is already the case, and the draft policy has been amended to make this clear.
- Point 8 refers to support from the trade for temporary licences, whilst it is recognised that applicants could be delayed if other failures happen outside of their control, the priority for the council must be public safety, and issuing temporary licences goes directly against this responsibility as we would be issuing licences to individuals who we cannot be certain are fit and proper. The issue of delays from the DBS is addressed in any case by the introduction of the requirement for these to be kept updated.
- Point 9 is inaccurate as the response refers to the Rehabilitation of Offenders Act, which is not relevant when determining taxi applications as it is an exempt occupation in this regard. The section referred to is also not simply referring to offences, but any reason for an application being refused, which is something that the Council has a wide discretion over. It is correct that 4.2 and 13.5 were at odds. 13.5 has been updated to reflect the same requirement as 4.2
- Point 10 suggest that the council should not take action against a licensee unless they are charged with an offence and that arrests or similar are immaterial, this is strongly rebutted, whilst the Council must not presume guilt ahead of any investigation outcome, it must protect the public, and it is considered good practice that any individual who the police have sufficient concerns about in involvement in an offence should have their licence status considered at that time in order to protect the public.
- Point 11 Suggests introducing a percentage of wheelchair accessible vehicles, rather than all taxis being required to be wheelchair accessible. With such a low number of wheelchair accessible vehicles on the fleet at the moment a requirement to be wheelchair accessible is considered the right approach to increase this at this time, but can be reviewed in the future should the council receive concerns from the public that there are too many of these, and insufficient saloon style taxis available. Section 7.5 in the policy makes this clear.
- Point 12 refers to section 7.7 and no consideration to disposal of offences, section 7.7 actually only makes it clear that the maximum fine for offences could be, which it is important that licensees are aware of.

- Point 13 – suggests that once a year is sufficient for lifting equipment to be checked, the policy currently states every 6 months as this is in line with what the Health and Safety Executive’s Guidance on the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), which all drivers would need to follow in any event. This does not have to be provided to the Council unless requested.
- Point 14 matches Point 12, so no change is suggested as it is important that licensees understand the potential consequences of actions
- Point 15 para 8.8 is considered to be illogical, however, a hackney carriage is always a hackney carriage, so purely carrying out pre-booked work does not make it a private hire as suggested by the response. other than for journeys beginning or ending outside of the borough, the fare can never be higher than the meter, even if agreed in advance, so it is appropriate for the meter to be kept on so that customers can see what a metered fare would be for their journey. Drivers can charge less than the metered fare, so the only cause of dispute would be higher fares for passengers travelling outside of the borough, and it is suggested that they should be fully aware that they are due to pay over what they would normally pay if this is the case, so the meter provides useful information to them as a customer.
- Point 16 suggests the Council should do demand testing in order to restrict the number of vehicles it licenses as hackney carriages (private hire cannot be restricted). It is estimated that the cost of such required surveys is at least around £10k and required at least 3 yearly, this cost would need to be included in the fees for the vehicles (which there are around 213 hackney carriages). Given that Private Hire Vehicles can’t be restricted, it does not seem to be of any particular value to increase the cost of hackney licences for this purpose.
- Point 17 is wrong as it has been shown that it is perfectly legitimate of the Council to retrospectively apply any new policies.
- Point 18 a paragraph has been added at the start of this section to clarify that it is normally the case that only new applicants are required to take knowledge tests, but that they are available as an option for existing drivers should the Council consider this appropriate.
- Point 19 suggests that technology negates the need for any local knowledge. The Councils view has for a long time held the view that local knowledge is useful irrelevant of any technology that may be available, give various potential issues with such technology.
- Point 20 is in line with the proposed policy
- Point 21 refers to provision of safeguarding and disability training being provided by ‘various’ providers to aid consistency. It can be argued that consistency is better achieved through one provider, however this is not relevant to the policy as the policy does not detail how training will be delivered, this will be a matter for the Licensing team should the policy come in, and at that point suitable options will need to be identified.

- Point 22 presents a view that the administration of tests and banning of retaking is too harsh, but gives no explanation as to why this view is held. Failing to comply with the instructions of an officer administering a test is a serious matter when applicants are expected to be fit and proper, so a 'harsh' length of time before being able to retake can be considered appropriate.
- Point 23 the Council has required a minimum of 3 years driving experience as a holder of a full licence, before becoming a licensed driver, the Council is within its right to consider that a driver will be safer with more experience, and lowering this to 12 months would represent a backwards step in safety. The response claims there is no evidence supporting this, but has not provide evidence to the contrary.
- Point 24 this point is in relation to is in relation to the Council taking into account any relevant information about the individual applicant from current and existing licences held by them either with Dacorum, or other authorities. This is considered reasonable in order to ensure they are fit and proper, and the point made in the response is unclear as to what the concern was from the respondent.
- Point 25 the response suggests that the Council should only consider 'unspent' history of applicants and drivers. The Council is entitled to consider any history of an individual to determine whether it can be confident that an individual is fit and proper to hold a licence, irrelevant of how old such history is. It is for the Council to then consider how much weight is given to any such history when determining an application, and the amount of time passed since an event took place will be a significant part of this consideration, however, it remains appropriate that the Council should be aware of such history.
- Point 26 The response requests that individuals are removed from the NR3 database (refusals and revocations) on death. As there would be no value to them appearing on this database if they have died, they would need to be removed to comply with data protection principles, the only barrier to this would be if the Council is aware they have passed away.
- Point 27 refers to drivers turning their engine off whilst waiting and a time limit of 1 minute, after which they should have the engine switched off. The response suggests that this is unreasonable. However, 1 minute is longer than it seems when you are actively doing something, and the reality is that a driver is likely to know if they are immediately getting a new fare or not and if not should be stopping their engine. Enforcement of such an expectation would always be approached reasonably (in line with the Councils enforcement policy). It is considered to be important to have a specific expectation within the policy in order to be clear and transparent as to what is expected.
- Point 31 requests that Hackney Carriages do not have to have their roof sign on when they are not working to prevent potential customers from thinking the vehicle is on duty. This cannot be allowed to be the case as the roof sign forms part of the livery of the licensed vehicle, and the vehicle is permanently licensed once the licence is issued, so must maintain all livery at all times, whether it is being used for work or domestically. Only licensed

drivers can licensed vehicles (so if their partner does not hold a licence they cannot use the vehicle for domestic journeys), and drivers behaviour is relevant whether they are working or not, so vehicles should always be liveried fully when in use. There is a variety of case law that supports this.

- Point 32 of the response claims that Annex A is disproportionate. Annex A is the guidance on suitability of applicants. The majority of this is in line with national guidance that has been developed by the Institute of Licensing using the significant experience of the most eminent individuals in the field of Licensing, and any areas that are stricter than that guidance are in line with what the Council already had in place previously. The Guidance from the IoL has been widely adopted by licensing authorities, and is the closest thing to 'national minimum standards' available in this area, which helps to improve the standard of the trade generally, and aides with improved consistency across the country. If the Council were to agree that this is disproportionate, we would be stating that we expect lower standards than any authority that has adopted these standards.

2.9. In addition to sharing some of the concerns already dressed above Response 42:

- was supportive of the combined single policy replacing individual guidance and standards, and the aim for more online services.
- raises concerns about there being no grace period for applicants, and the potential for the Council to be responsible for delays in dealing with applications and this being a 'two way' process. Applicants are entitled to make a complaint about the service provided should the Council's Licensing team be responsible. However, experience has shown that it is highly infrequent for licences to be delayed as a result of the failures of the Licensing team. Whilst the proposal is to remove the formal grace periods, to prevent every application that is late from appearing in front of committee for determination (which will delay applicants further), it is considered appropriate that the Licensing Team leader be delegated responsibility for considering any mitigation provided as to why an application is late, together with consideration of how late it is, so that late renewals can be issued by officers rather than the committee if considered appropriate to do so.
- Safeguarding training will be introduced as part of the policy when finalised, the respondent asks whether it is appropriate to require this on renewal, and suggests that it could be carried out as a one off on application, or could be provided as refresher training. It is considered that it is important for licensees to receive this training, and to receive it more than as a one off, but it may be possible to develop training that is less intensive for those who have previously been through the full training. It is suggested that this is left with the Licensing team to develop as the policy is not an appropriate document to include the level of detail about what the training will consist of.

2.10. Response 51 questions whether a 6 monthly MoT is necessary, with reduced mileage and their own vehicle never failing a MoT despite it being more than 10 years old. This is an existing requirement that has not been

changes as part of the policy review. Given the pandemic and the other changes in the draft policy (such as the emissions section), it is considered that this may be an issue that should be revisited in the future once the policy has been finalised.

### **3. Matters raised not relevant to the policy and consultation**

- 3.1. The Taxi rank locations have been raised as an issue and one reason for a decline in earnings for the trade. The location of taxi ranks is dealt with outside of these policies, which are about the required standards for licensees, so this is not a relevant issue for consideration.
- 3.2. Cross border working - where companies like Uber who are licensed outside of Dacorum work within our area legally – is raised as a concern. These concerns should be addressed to Government as this is due to the existing legislation which the Council is unable to effect through policy, so these are not relevant to the policy consultation.
- 3.3. Unlicensed individuals and companies are raised as concerns, as are licensed trade operating in an illegal manner. These issues are unaffected by the policy changes, and the Council carries out enforcement in these situations, as guided by the Council's enforcement policy. Therefore these matters are not relevant to the consultation and new policy.

### **4. Modern slavery**

- 4.1. Outside of the consultation period the Licensing team were contacted by the Hertfordshire Modern Slavery Partnership and a request was made to include an additional section which is attached as Appendix 3. This has been amended by the Licensing Team Leader in order to make it more suitable for the policy, taking into account knowledge of how the trade works in Dacorum.
- 4.2. This section simply advises of legal requirements on operators and suggests how these should be met, given that this does not add additional local burden constructed by the Council, it is considered that there should be no reason why this shouldn't be added if Members agree to this, despite it being provided outside of the consultation on the new policy.

### **5. RECOMMENDATIONS**

It is recommended that:

1. the Committee consider the consultation responses, together with the draft policy and suggested amendments in the version attached as Appendix 1. Agree any amendments to the policy that are considered appropriate following reviewing the responses and details of this report.
2. the finalised policy is agreed, once changes have been made and confirmed with the Chair of the Committee, and can be adopted once this is the case.
3. The Licensing Team Leader to have delegated responsibility for the practical elements of the new policy such as the establishment of suitable safeguarding

and disability training, and changes to systems where necessary to facilitate the full adoption of any new requirements within the policy.

4. The Assistant Director (Corporate and Contracted Services) to be delegated responsibility for agreeing any additional charges from licensees resulting from policy changes (such as training costs).
5. the changes that are required to processes and requirements to be effected in line with the agreed timetable attached as Appendix 4



# Taxi and Private Hire Licensing Policy



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Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

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# Part A

# General

## 1. About Dacorum

- 1.1. Situated in western Hertfordshire, Dacorum is a borough with a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages, from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.
- 1.2. One of the first 'New Towns' built after the Second World War, Hemel Hempstead's development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.
- 1.3. Much of the rest of the borough is rural, surrounding two market towns: Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, our communities value their rural heritage, and the conservation of historic buildings and landscapes are important considerations in Dacorum. We also know that our communities expect good, modern services and thriving town centres. Dacorum Borough Council works closely with the town and parish councils which represent communities in rural areas of the borough, to try and deliver these aims.



- 1.4. Dacorum has a population of 144,800<sup>1</sup>, the largest of the Hertfordshire districts. Further information about Dacorum and the demographics of its populace can be found in the 'Statistics about Dacorum' area of the council's website<sup>2</sup>.
- 1.5. The towns and villages of Dacorum offer a diverse range of shopping and leisure options, while many national and international businesses have headquarters and other key premises around the borough, with a particularly high concentration to be found around the Maylands area of Hemel

<sup>1</sup> Office of National Statistics, Census 2011 (published July 2012)

<sup>2</sup> [www.dacorum.gov.uk/home/community-living/statistics-about-dacorum](http://www.dacorum.gov.uk/home/community-living/statistics-about-dacorum)

Hempstead. This presents a range of opportunities for licensed taxis and private hire vehicles to serve these business and leisure needs.

- 1.6. The borough is continuing to develop, and with significant regeneration planned for much of the borough and Hemel Hempstead in particular over the coming years, it is an exciting time for those who live and work in the area, bringing further opportunities for the licensed trades.

## 2. About this document

- 2.1. This document is Dacorum Borough Council’s statement of licensing policy in respect of hackney carriages (taxi) and private hire vehicles, drivers and operators. Although the legislation does not require licensing authorities to adopt such a policy, it is considered good practice. The policy helps the authority to promote the Better Regulation principles by:
- Promoting consistent and proportionate decision-making
  - Ensuring the approach that the licensing authority will take is clear to persons and companies working within the regulated trades; and
  - The likely action they may face if they do not satisfy these expectations.
- 2.2. Dacorum had previously adopted a wide range of policies and standards in respect of the regulation of taxis and private hire vehicles and drivers. This document represents the first time that these have been brought together into a single document.
- 2.3. This statement of licensing policy was adopted by the Council’s Licensing, Health & Safety and Enforcement Committee on the xx xxxx, and will have effect from the xx xxxx to the xx xxxx. Any applications in progress on the first date will be considered under the previous, individual versions of the applicable policies and standards.
- 2.4. Nothing in this policy statement shall:
- a) prevent any person from making an application for an authorisation;
  - b) restrict or fetter the Council’s discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.
- 2.5. The purpose of this statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. Where the circumstances justify doing so, we may depart from any provision of this statement, or of the Government’s Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.

### Interpretation

- 2.6. Within this policy statement:
- a) “the 1847 Act” means the Town Police Clauses Act 1847,
  - b) “the 1976 Act” means the Local Government (Miscellaneous Provisions) Act 1976,
  - c) “licensing authority” or “the Council” means Dacorum Borough Council,
  - d) “Guidance” means the best practice guidance published by Department for Transport.

### Consultation

- 2.7. Dacorum Borough Council carried out consultation on a draft version of this statement of licensing policy, prior to determination of the final version of the statement. The people and organisations we sought feedback from included:
- local taxi and private hire drivers, vehicle proprietors and private hire operators
  - Hertfordshire Constabulary
  - local businesses and their representatives,

- local residents and their representatives,
- local voluntary groups, including disability groups, and
- our neighbouring licensing authorities.

2.8. The views expressed in response to our consultation were considered prior to the final determination of this policy. A full list of consultees and responses received is available from the Licensing team.

## 3. Legislation and best practice guidance

3.1. There is a large amount of legislation that affects how taxi and private hire services are regulated, which forms the law, and this policy cannot override. The following is by no means an exhaustive list, but highlights some of the key legislation that is important to be considered together with the policy.

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985
- Equality Act 2010

### Deregulation Act 2015

- 3.2. The Act makes two provisions which affect the licensing of taxis and private hire vehicles – firstly, to introduce standard durations for driver, vehicle and operator licences, with shorter licences issued only in exceptional circumstances as the Council thinks appropriate in the circumstances of the case; and secondly, to permit the sub-contracting of private hire bookings between licensed operators across local authority borders.
- 3.3. Case law has confirmed that sub-contracting can be done automatically, and at the complete discretion of the operator; although the Council advises that operators would be sensible to consider customer service implications of such actions.

### National guidance

- 3.4. The DfT has national responsibility for hackney carriage and private hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The Council has taken account of the DfT guidance to shape this policy.
- 3.5. In setting our policy, the licensing authority has had regard to the Department of Transport’s “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)”, and further government advice contained in Department of Transport Circular 2/92 and Home Office Circular 13/92, which recommends that local authorities adopt their own guidelines relating to the relevance of convictions for use in determining applications for hackney carriage and private hire vehicle (PHV) drivers, licences.

## 4. Administration, Exercise and Delegation of Functions

- 4.1. The Council has delegated almost all of its licensing functions relating to the taxi and private hire trades to its Licensing and Health and Safety and Enforcement Committee. In turn the Committee has delegated the exercise of these functions to:
- The Licensing, Health and Safety and Enforcement Sub-Committee, to consider applications which are not in accordance with this policy statement, where checks have revealed matters requiring further consideration, or where other concerns have arisen; and
  - Licensing officers, to deal with the day-to-day administration of applications, the grant of applications which are in accordance with this policy, and compliance and enforcement matters.
- 4.2. A small number of functions are designated in law as executive functions, and will be exercised by, or under delegated authority from, Dacorum Borough Council's Cabinet. These include: the appointment of taxi stands (ranks), the settings of maximum fares chargeable by hackney carriages, and the issue of exemption certificates relating to passengers in wheelchairs and passengers with assistance dogs.
- 4.3. Many of these functions will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness these will for the most part be carried out by officers.
- 4.4. The first and foremost consideration for the licensing authority in exercising its powers under taxi and private hire legislation is the protection and safety of the public, including persons using hired vehicles and the wider public who may be affected by the use, or misuse, of such vehicles. This will be achieved by ensuring:
- The fitness and propriety of any person applying for, or holding, a hackney carriage, private hire or dual driver's licence;
  - The suitability, roadworthiness, mechanical soundness and visual appearance of any vehicle licensed, or proposed to be licensed, as a hackney carriage or private hire vehicle;
  - The fitness and propriety of any person applying for, or holding, a private hire operator's licence; and
  - The prevention of unlicensed persons from carrying out any of the regulated activities, via proactive and reactive enforcement and compliance work to detect and, where appropriate, take action against such persons.
- 4.5. The licensing authority will expect applicants to make themselves aware of this Policy and in particular any areas of conflict between the policy and their proposed operations, and to be prepared to propose measures to alleviate any concerns around such conflicts.
- 4.6. Applicants are also encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when planning their business activities.

## 5. Applications for licences

- 5.1. The Council requires that applications for hackney carriage/private hire licences must be made on the prescribed application form which is available on the Council's website or using the Council's electronic application procedure. The Council provides guidance to assist in the completion of the application.
- 5.2. The licence fees payable to the Council are subject to annual review and will be published together with other Council licensing fees on the Council's website. This may include charges for applicants who fail to attend appointments, knowledge tests, training sessions, etc.
- 5.3. The Council will consider all applications on their own merits once the application is complete. Incomplete or missing documentation or evidence may result in the application being rejected. Any application that is not completed within 6 months will be treated as withdrawn.
- 5.4. Where an applicant is unable to demonstrate that they fulfil the requirements of this policy, applications will be refused. It may be that, having regard to the particular circumstances, it would be right to depart from the policy. Applications will be determined in accordance with the current scheme of delegation. If an applicant does not meet the required standards, but wishes for their application to be considered by the Council it will be referred to a Licensing Panel for consideration. This will be the case for new applicants, and existing licence holders applying to renew.
- 5.5. Where an existing licence holder has a record involving offences as detailed within Appendix F (for example a conviction, caution or substantiated complaint), the Assistant Director of Corporate and Contracted Services has delegated authority to suspend or revoke licences on the grounds of public safety with immediate effect, following consultation with the Chair of the Licensing and Health & Safety Committee. In cases where immediate action is not considered necessary, issues such as new offences will be referred to a panel. This Authority has been delegated to certain officers so that such matters can be dealt with swiftly by the most senior officer available at any time. Such matters will also be discussed with the Council's Safeguarding Officer.
- 5.6. If a matter is referred to a panel for consideration, the applicant or licence holder will be advised of the date, time and venue of the panel. The proceedings and terms of reference of the licensing panel are set out on the Council's website. Licence holders will be encouraged to provide written representations ahead of any such panel, and will also be given the opportunity to present orally to the committee, and to be represented by any individual they choose, whether legally qualified or not.
- 5.7. Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.
- 5.8. The Council will aim to send a reminder to licence holders before their licence expires in order to assist them in prompt submission of renewal applications. Please note that the Council is not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder. Applicants must therefore allow adequate time for the processing of their renewal applications. The Council is not responsible for delays due to the actions of external bodies such as the DBS. Whilst a grace period to renew licences is provided, during the time between the expiry of the old licence and renewal being granted no licence is in place and therefore the associated work cannot be carried on. Any individual working in between expiry and renewal will therefore be treated in the same way as an unlicensed individual and the appropriate enforcement action will be considered by the Council.
- 5.9. If an application to renew is received late, the licence may expire before a new one can be issued. For

operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licensed by the Council until a new licence has been granted.

- 5.10. The Council may share all information with other public bodies such as other councils, the police, Home Office Immigration Compliance Enforcement, DVLA and HMRC. Information will only be released in response to a properly made formal request and where there is a valid reason to do so, for example investigation of a criminal offence.
- 5.11. Where drivers have been licensed with other authorities, we will carry out checks with those authorities for any information that may be relevant to the application being considered.

## Guidance on suitability to hold a licence

- 4.1 When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the Council has its own suitability criteria which has been adapted from the 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' ('the Guidance'), and can be found at Appendix F. The document applies to all vehicle, driver and operator licence holders and applicants. At the time that the Institute of Licensing published its suitability guidance, the Council already had higher standards in some areas, and so it has brought standards up to those of the IoL where possible, but has maintained the existing higher standards.
- 4.2 Applicants who have had a licence revoked or an application refused by the Council, or any other local authority will not be licensed for a minimum of 5 years after the date of the revocation or refusal.
- 4.3 All licence holders must report all new convictions, cautions, warnings, reprimands, criminal behaviour orders (CBOs), community service orders, restraining orders and fixed penalties (including traffic offences) in writing within 7 working days. Licence holders are advised that if they are in any doubt as to whether something should be reported, to report it.
- 4.4 All licence holders are required to inform the Council in writing within 3 days if they are arrested, formally interviewed as a suspect or charged with an offence by the Police. This is to allow the Council to be aware of any public safety concerns and to take appropriate action. Failing to notify the Council may result in further enforcement action in addition to any action taken in light of the initial report.

## 6. Enforcement

- 6.1. Enforcement is part of the overall licensing control process exercised by the councils and is taken to:
- maintain standards within the trade
  - ensure public safety
  - support the policies of the council
  - respond to complaints
  - support partnerships with neighbouring local authorities, and other agencies such as the Police and DVSA
- 6.2. The Licensing Authority published a Licensing Enforcement Policy in December 2016 available at [http://www.dacorum.gov.uk/docs/default-source/licensing-documents/policies/licensing-enforcement-policy-2016-2021-\(pdf-584kb\).pdf](http://www.dacorum.gov.uk/docs/default-source/licensing-documents/policies/licensing-enforcement-policy-2016-2021-(pdf-584kb).pdf). Enforcement activities are primarily targeted towards activities carrying high risks or where there could be a considerable impact as the result of non-compliance either with licensing conditions or the legislation. Enforcement activities may be targeted towards individuals who are primarily responsible for an activity, who have the greatest responsibility to ensure compliance with the law or who have been subject to previous enforcement action.
- 6.3. In general, action is taken in accordance with agreed enforcement principles and in line with the enforcement policies of the Licensing Authority and all responsible authorities. To this end the key principles of consistency, transparency and proportionality are maintained.
- 6.4. All enforcement will be proportionate and transparent. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the General Licensing Committees and their associated panels. The councils will ensure that the policy and its enforcement meet the objectives set out in the policy whilst avoiding undue restrictions and costs upon licence holders.
- 6.5. A graduated response is applied where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches are likely to attract prosecution and/or consideration of suspension or revocation of the licence.
- 6.3 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There are grades of sanctions from informal advice and warnings through to suspension and revocation of licence. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers through a 3 strike enforcement scheme as detailed in Appendix G. Authorised officers are empowered to give and recommend any of the following disciplinary measures:
- verbal warning
  - written warning
  - strikes
  - final written warning
  - suspension of licences
  - appearance before panel
  - prosecution
- 6.4 Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who wilfully obstructs an officer, fails to comply with any reasonable requirement of an officer, fails to provide assistance or information reasonably required by an officer, or makes false

statement shall be guilty of an offence. Licence holders may be requested to attend the Council offices, for example to produce current insurance, or their vehicle for inspection, upon reasonable request by an officer. Where a driver fails to comply with a reasonable request from an authorised compliance officer in another area, action will be taken as if the driver has failed to comply with the same request from an officer of this licensing authority.

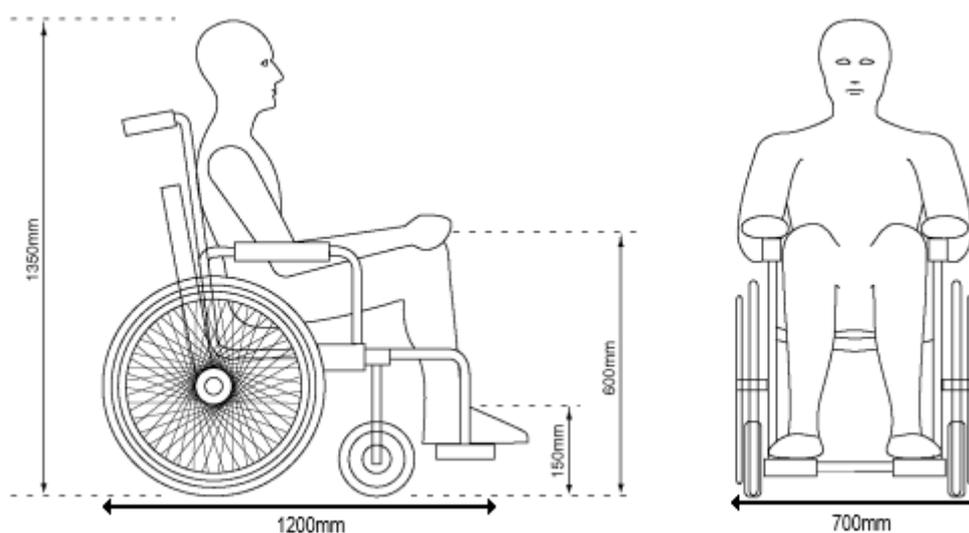
## 7. Equalities

- 7.1. Taxis and private hire vehicles provide a vital service to people with disabilities and medical conditions, and through this policy, we intend to ensure that these services remain accessible to such persons. This aim is supported by relevant statutory provisions within the Equality Act 2010.
- 7.2. The Council expects that there shall be no discrimination against customers, passengers or other members of the public in respect of any protected characteristic, and will seek to take appropriate enforcement action against drivers, operators or vehicle proprietors where complaints of such are substantiated. Dependent upon the severity and circumstances of such incidents, action may include prosecution, and/or suspension or revocation of licences.

### Passengers accessibility (including wheelchair users)

- 7.3. Under the vehicle licensing policies set out later in this policy, new hackney carriage licences ('plates') will only be issued in respect of vehicles which are designed and constructed to safely carry passengers while seated in a wheelchair. Licence conditions will require such vehicles to carry (or be fitted with) loading equipment (ramps or lift), and appropriate restraints and seatbelt fittings to safely secure wheelchairs and their occupants.
- 7.4. The Council recognises that a mixed fleet of vehicles on the rank is of benefit to the public, often people with impairments that affect their mobility, but which do not require the use of a wheelchairs find that using vehicles which are not designed for wheelchair transportation are more accessible. For this reason it is considered appropriate that existing licences which have been granted for non-wheelchair accessible vehicles can continue to be transferred to newer vehicles which are not wheelchair accessible. However, should licences be allowed to lapse, the relevant vehicle will no longer benefit from this concession.
- 7.5. At times when this policy is reviewed, sections 7.3 and 7.4 will be considered against the proportion of WAVs with consideration being given to whether sufficient WAV provision exists to remove this as a requirement for new licences.
- 7.6. All licensed vehicles which can safely carry passengers in wheelchairs will be designated under section 167 of the Equality Act 2010, from when they are first licensed. This will mean that drivers of those vehicles will have specific legal duties in respect of passengers in wheelchairs, regardless of whether they have hired the vehicle themselves or are accompanying the hirer, to:
- Carry the passenger while in the wheelchair,
  - Not to make any additional charge for doing so,
  - If the passenger chooses to sit in a passenger seat, to carry the wheelchair,
  - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort,
  - To give the passenger such mobility assistance as they reasonably require, including assistance:
    - to enable the passenger to get into or out of the vehicle,
    - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair,
    - to load the passenger's luggage into or out of the vehicle, and
    - if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 7.7. A driver who fails to comply with any of the above duties without valid defence commits a criminal offence, and may be fined up to £1,000 for each offence if convicted. Offences may also lead to revocation or suspension of taxi licences.

- 7.8. Vehicle proprietors may appeal against designation of their vehicle to a magistrates' court, further details of how to appeal will be issued with confirmation of designation.
- 7.9. Drivers of designated vehicles may apply to the Council for an exemption certificate, if they have a medical or physical condition which would mean they could not carry out the above duties safely. Further details on how such applications will be considered are set out below. Where an exemption certificate has been issued and is properly displayed in the vehicle, the driver will be exempted from such duties as appropriate. Exemptions are specific to an individual driver, and will not provide a defence for any other driver of a designated vehicle.
- 7.10. A list of designated vehicles will be maintained and published on our website.
- 7.11. As per Government guidance, we expect that all wheelchair-accessible vehicles should be able to carry a passenger within a 'reference wheelchair', meaning the dimensions set out below:



Length:	1200mm (48") including footplates
Width:	700mm (28")
Sitting height:	1350mm (54")
Height of footrest:	150mm (6")

- 7.12. Some factory built WAVs have been established to be slightly lower (a few centimetres) than the government guidance above; these will be accepted for licensing.
- 7.13. It is anticipated that the above dimensions will cover the majority of typical wheelchairs – however, we recognise that a number of wheelchairs with specialist functionality, or motorised wheelchairs and mobility scooters, may exceed these dimensions and may not be able to be loaded and carried safely in all designated taxis. In such cases, drivers will be expected to assess whether the passenger can be safely carried in their vehicle, to carry the passenger if their safety and reasonable comfort can be assured, or to assist them in locating a suitable alternative vehicle otherwise, where this is practicable. Such circumstances may constitute a defence to the above-mentioned offence. In all cases, the Council expects drivers to treat passengers with respect and sensitivity, and to provide a clear explanation as to why they have not been able to convey the passenger.
- 7.14. As the Council considers that it would be unreasonable to require all WAVs to be capable of transporting wheelchairs which exceed the reference wheelchair, it will ensure that clear advice is provided on its website for members of the public using more specialist wheelchairs, and wishing to use taxis. Specifically, the Council encourages those wheelchair users to plan their journeys in

advance if possible, and to ensure that they confirm with the operator or driver that the vehicle will be available for a return journey if needed.

- 7.15. Vehicles which cannot load and carry a wheelchair with the dimensions of the above 'reference wheelchair' will be considered unsuitable for licensing, and an application for such refused.
- 7.16. Wheelchairs should be secured so as to face either forwards or rearwards. Under no circumstances should an occupied wheelchair be secured facing the side of the vehicle.
- 7.17. Ramps used for loading passengers in wheelchairs should be designed for the specific purpose, easy to deploy, in good condition generally, and have visible marked reference to a safe working load (SWL) of at least 250kgs and certification to BS 6109.
- 7.18. Where a vehicle features mechanical, hydraulic or pneumatic lifting equipment for the purpose of loading and unloading passengers, the Council will have regard to the Lifting Operations and Lifting Equipment Regulations (LOLER), and if requested, will require evidence of thorough examination of such by a competent person at least once every 6 months. Records of the most recent inspection should be kept until the equipment is re-inspected.

### **Assistance dogs**

- 7.19. All licensed hackney carriages and private hire vehicles are required to carry assistance dogs with their owners, at no additional charge. This duty applies in respect of any dogs which are trained to guide or assist a blind person, a deaf person, a person with a disability or a person with a specified medical condition.
- 7.20. Private hire operators are also under a duty to take bookings from passengers with assistance dogs, with no additional charge made for carrying the assistance dog.
- 7.21. Drivers or operators who fail to comply with the above duties will commit a criminal offence, and may be fined up to £1,000 for each offence on conviction. Offences may also lead to revocation or suspension of licences.
- 7.22. These duties apply equally to dogs provided by UK charities affiliated with Assistance Dogs UK, equivalent overseas organisations, or assistance dogs which have been trained by their owners; and regardless of whether the dog is wearing a recognisable harness or jacket, or subject to formal certification. Where a prospective passenger informs a driver that a dog they wish to travel with is an assistance dog, this should be accepted at face value.
- 7.23. Assistance dogs are trained to ride with their owner in the main passenger compartment of a vehicle, usually lying at their feet, and the owner will instruct their dog to enter and exit the vehicle. Passengers with assistance dogs should be asked if they have any preference over which seat they sit in – some may prefer to sit in the front passenger seat of a saloon vehicle, as the larger foot well can offer more space for the dog to sit in. Drivers should be prepared to provide any other reasonable assistance requested by the passenger; however it is unlikely that assistance dogs will require assistance in entering or exiting most vehicles beyond opening the passenger door. Drivers should not try to separate assistance dogs from their owners by insisting that the dog rides in a different part of the vehicle – doing so may cause distress to both the dog and the owner. Assistance dogs may ride in the rear load space of an estate car, if the dog's owner consents to this.
- 7.24. Assistance dogs are bred and selected for their calm nature, and receive substantial specialist training before beginning their roles. They are subject to regular grooming and veterinary health checks. While we recognise that a number of drivers who are not experienced with dogs may feel

uneasy at being in such close proximity to one, this does not constitute valid grounds for refusing to carry a passenger with an assistance dog. Similarly, religious beliefs also do not provide grounds for refusing to carry assistance dogs in taxis and private hire vehicles, nor other legal requirements under UK law.

- 7.25.** There is no specific legal duty to carry non-assistance dogs (e.g. pet dogs) or other animals in taxis or private hire vehicles, and doing so is therefore a customer service consideration which will remain at the driver's discretion.

**7.26. Exemption certificates**

Drivers with a medical condition affected by close proximity to dogs may apply to the Council for an exemption certificate. Further details on how such applications will be considered are set out below. Where an exemption certificate has been issued and is properly displayed in the vehicle, the driver will be exempted from such duties as considered appropriate. Exemptions are specific to an individual driver, and will not provide a defence for any other driver of a vehicle

## 8. Hackney carriage regulations

- 8.1. The Council has further statutory powers available to it to regulate the provision of hackney carriage services within the borough. These including capping the maximum fares which can be charged for journeys in hackney carriages, and appointing stands (ranks) for hackney carriages to use.

### Fares

- 8.2. The Council may, by resolution under section 65 of the 1976 Act, fix the rates or fares within the district for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table of fares made or varied in accordance with the provisions of that section. However, there is nothing to prevent a driver from agreeing a lower fare than that shown on the meter at any time during their hiring, although a fare agreed prior to the start of the journey cannot be increased.
- 8.3. Hackneys journeys that end outside of the borough, can be charged at any fare, so long as this is agreed before the journey commences.
- 8.4. Irrelevant of any agreed fare, the meter must always be used for any work that a hackney carriage completes, whether these are in the borough or not. This is still the case for pre-booked journeys, which can be completed wholly outside of the borough.
- 8.5. As the setting of fares is omitted from the lists of non-executive and local choice functions in the Local Authorities (Functions and Responsibilities) Regulations<sup>3</sup>, it is to be regarded as an executive function. This means that any decision to set or amend maximum fares must be taken by Dacorum's Cabinet, or a Cabinet member with a relevant portfolio. Although the Licensing and Health and Safety Enforcement Committee may make recommendations on maximum fares, the Committee cannot lawfully make a final decision in respect of such a matter.

### Taxi stands (ranks)

- 8.6. As stands will change over time due to changing demands for taxi services, we will maintain a current list of all active stands on our website, at [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

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<sup>3</sup> Currently [S.I. 2000 / 2853](#)

## 9. Digital services

- 9.1. Although taxi and private hire licences are excluded from the scope of the EU Services Directive, and the Provision of Services Regulations<sup>4</sup> which give effect to the Directive, The Council believes that many of the principles contained therein are relevant to this area of licensing, and are key to operating a modern, low-burden regulatory scheme.
- 9.2. Where possible, the Council will switch services away from paper-based application forms and services towards interactive and intuitive online applications and services, will make the process of applying for a licence simpler and more efficient.
- 9.3. An electronic newsletter is available for any person with interests in taxi licensing to the taxi licensing and can be signed up to at <https://eforms.dacorum.gov.uk/misc/TaxiEmailSignup.html> subscribing email addresses. Once signed up, members receive useful information about current issues affecting the trade, and any key work being delivered by the Council. These newsletters will be relatively infrequent, at times when there are important issues that the trade need to be advised of. Whilst this is an optional service made available to members of the trade (and any other person interested), the Council expects its licensees to remain up to date with relevant issues and information, and the newsletter is considered a valuable method of doing so.
- 9.4. Where electronic processes are adopted, support will be available from the Licensing team to assist with any questions and to advise applicants and licensees how to use these.
- 9.5. This aim is consistent with measures taken by the Government to digitise other services which also affect the taxi and private hire trades, such as the abolition of vehicle excise ('road tax') discs and driving licence counterparts, and replacement of these documents with internet-based systems.
- 9.6. Currently, it is not essential for an email to be provided when applying to obtain a licence, however, doing so gives significant benefits to licensees in terms of the speed at which correspondence can take place. Licensees who do not provide an email address for correspondence need to be prepared that this could delay them from receiving important information about their licence, which could cause potential delays and lead to times where they are unable to work as a result.

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<sup>4</sup> [S.I. 2009 / 2999](#)

# Part B

# Drivers

## 10. Introduction

- 10.1. Licensing authorities can issue two types of licence allowing individuals to act as hackney carriage or private hire drivers while driving appropriately-licensed vehicles. These powers are contained at:
- a) For hackney carriage drivers, section 46 of the Town Police Clauses Act 1847 (as applied by section 59 of the Local Government (Miscellaneous Provisions) Act 1976)
  - b) For private hire drivers, section 51 of the Local Government (Miscellaneous Provisions) Act 1976)
- 10.2. The two licence types convey separate entitlements which do not overlap. A hackney carriage driver's licence allows the holder to drive hackney carriages which have been licensed by the same authority, but not private hire vehicles. A private hire driver's licence allows the holder to drive private hire vehicles which have been licensed by the same authority, but not hackney carriages. Where an individual needs to drive both types of licensed vehicle, it will be necessary for them to hold both types of driver's licence.
- 10.3. Dacorum provides a simplified administrative procedure for individuals holding both types of licence, allowing for a single application and common renewal date. This is referred to by the licensing authority as a 'dual driver licence', and successful applicants will be issued with a single licence conveying both of the above-mentioned entitlements. Drivers who wish to obtain the second type of licence during the validity of their existing licence will be given the opportunity to 'upgrade' their licence, adding the second entitlement for the remainder of the period of their first licence, rather than obtaining a wholly separate second licence.
- 10.4. Before granting a licence of either type, the licensing authority must satisfy itself that:
- a) The applicant is a fit and proper person to hold a driver's licence; and
  - b) The applicant is authorised to drive a motor car by holding a valid driving licence, and has been so for at least 12 months.
- 10.5. It is noted that no attempt is made within the legislation to define the term "fit and proper person", and it is left to licensing authorities to decide what matters may affect this status on a case by case basis. Although the following sections cover the main matters which the licensing authority may take into account, this is not intended to constitute such a definition, and the licensing authority may consider any relevant issue when determining an application. These guidelines should be regarded as examples of issues that may lead to the licensing authority not being satisfied that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.
- 10.6. The licensing authority may fail to be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application.
- 10.7. An applicant who does not satisfy these guidelines will not necessarily be barred from obtaining a licence. The licensing authority will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors.
- 10.8. The overriding consideration in compiling and interpreting these guidelines is the safety of the public. The licensing authority has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and

licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

**10.9.** This part of the policy may be taken into account by the licensing authority when dealing with any of the following matters:

- an application for a new hackney carriage driver's licence (section 46, Town Police Clauses Act 1847/section 59, Local Government (Miscellaneous Provisions) Act 1976)
- an application for a new private hire driver's licence (section 51, LG(MP)A 1976)
- an application to renew a private hire or hackney carriage driver's licence (sections 51, 59 and 61, LG(MP)A 1976)
- a proposal to suspend or revoke a hackney carriage or private hire driver's licence (section 61, LG(MP)A 1976)

**10.10.** Although section 61 of the 1976 Act does not contain the same reference to a "fit and proper person", the fact that such action may be taken due to "any other reasonable cause" will generally lead the licensing authority to include similar guidelines in its considerations under that section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

**10.11.** Any person refused a driver's licence on the grounds that the licensing authority is not satisfied that they are not a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the magistrates' court within 21 days of receiving notice of the decision.

## 11. Knowledge tests

- 11.1. Knowledge tests are normally only required for new applicants, but may be an option that the Council considers should an existing driver fall below the council's expected standards at any time.
- 11.2. Knowledge tests are considered to be an important and serious part of establishing whether an applicant is suitable to be a driver. Therefore strict conditions about the behaviour of applicants are considered essential. This means that applicants will be turned away if they do not arrive on time (it is best to arrive 5 to 10 minutes before a test), and any behaviour considered to be inappropriate during the test, such as any talking, or checking of mobile phones will lead to immediate failure, with no score being provided for any part of the test that has been completed, and will be barred from taking a further test for 6 months. The decision of the invigilating officer will be final on these matters.
- 11.3. Through the written knowledge test assessment drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on policy, related law, customer awareness, and elements of the Highway Code. The test will be computerised soon after this policy comes into effect, and is conducted in the Council offices.
- 11.4. In addition to this test, which all drivers are required to take, an English language test is also required for drivers who do not hold a qualification in English at a grade approximately equal to level B2 on the CEFR scale. A score of 56 in the versant test is required in order for an applicant to be considered to have passed this section of the knowledge test which ensures that applicants -

*Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.*

Where a slightly lower score is obtained (reaching a minimum of 50), the Team leader will listen to a section of the test to establish whether they are confident in the language proficiency of the applicant and will either confirm that they have passed or failed this. Applicants scoring lower than 50 will be deemed to be failures.

The cost of tests will be charged to the applicant prior to the test being arranged, the current fee for this will be available on the Council's fees and charge sheet, available on the website.

If a candidate holds an existing English-language qualification, such as a GCSE or A-level, the Licensing Team Leader has delegated authority to exempt a candidate from the Versant test requirement, if satisfied that the qualification shows a similar or higher ability level.

### 11.5. Safeguarding and Disability Awareness Training

- 11.6. All applicants for a hackney carriage/private hire driver's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the Council.
- 11.7. All applicants for a hackney carriage/private hire driver's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant or their employer shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the Council.

- 11.8. Once passed, the training must be retaken by all licensed drivers every 3 years. Existing drivers at the time that this policy is adopted must pass this training prior to the renewal of their licence, or within the next 12 months if they are due renew in less than this.
- 11.9. An application cannot be validated unless the applicant has passed the appropriate knowledge test. Applicants taking the test must not receive assistance from a third party. Applicants who do not comply with the instructions of officers conducting tests will be reported to the Licensing Team Leader, and consideration will be given to barring them from retaking the test for up to 24 months (see section 13 of this policy - Character and licensing history.)

## 12. Driving entitlement

- 12.1. In accordance with sections 51(1)(b) and 59(1)(b) of the 1976 Act, licences may not lawfully be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.
- 12.2. The Council has adopted a policy going beyond this requirement, and will expect applicants for hackney carriage or private hire drivers licences to have held a full motor car driving licence for at least 36 months prior to applying for a licence. Applications will generally be refused if this requirement is not satisfied.
- 12.3. Applicants will be required to produce their current, full driving licence for inspection, with their application, bearing the applicant's current home address. Where a licence has been issued in two parts (counterpart and photo card) both must be shown.
- 12.4. Applicants are required to provide a DVLA check code with their application so that their current driving licence record can be checked. The Council will also require applicants to sign a consent form for similar checks to be possible during the validity of their licence if their application is successful. These checks will be carried out both in a targeted manner when information is received that raises potential concerns about a drivers record, and also on an occasional basis randomly to ensure that drivers are advising The Council of any driving offences. Drivers refusing to supply driving licence information on request may be suspended with immediate effect if it is considered that this is necessary for the protection of the public.
- 12.5. All applicants must hold either a full UK driving licence, or one issued by another Member State of the European Community (EC) or one of the other countries in the EEA. European licences may be used for a limited period only, dependent upon the applicant's circumstances, and the Council shall have regard to any guidance given by the Driver and Vehicle Licensing Agency (DVLA) in this regard.
- 12.6. The Council has also adopted a policy requiring any applicant who holds a driving licence issued by an EEA member state to obtain a British licence counterpart, prior to making their application. This will ensure that the applicant is formally recorded on UK driving licence databases, and may be allocated licence endorsements and penalty points for motoring offences committed in the UK, thus creating an ongoing record on driving conduct, of a type relevant to vocational drivers. Both the British counterpart and the original European licence must be produced on making an application. British counterparts may be obtained from DVLA through the completion of form D9, available at: <https://www.gov.uk/government/publications/d9-application-to-register-a-non-gb-driving-licence>
- 12.7. Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Council, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.
- 12.8. Driving licence endorsements are covered later in this document. However, should a licence-holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', the Council will generally look to suspend or revoke the licence(s) held by that person.

## 13. Character and licensing history

- 13.1. This section clarifies the Council's requirements of applicants and licence-holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council.
- 13.2. Although the Council will not seek character references in most cases, any information in addition to the required documents and application may be taken into account, should the Council deem it relevant to establishing whether an individual is suitable to hold a licence.
- 13.3. Where an applicant has previously held (or currently holds) a licence, whether issued by Dacorum or another local authority, information about the applicant's conduct under the previous licence(s) will be taken into account in considering an application. This may include details of any complaints made against the applicant, warnings given to the applicant by officers, or records of adverse conduct by the applicant towards members of the public, other licence holders, or officers. If there is a substantial negative history of such issues, an application will be refused. The Council will check whether new applicants appear on the Nation Register of refused and revoked drivers (known as NR3)
- 13.4. In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, the Council may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.
- 13.5. If an application has previously been refused (or a licence revoked), then any further applications made within the period of 5 years from the date of refusal (or revocation) will be refused. If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council. Where the applicant fails to meet the Council's suitability as described in Annex \*\* the longer of the two periods will be relevant.
- 13.6. Knowingly or recklessly making a false statement in, or in connection with, an application will result in that application being refused. In addition, as such conduct may constitute a criminal offence under section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, legal action may also be taken against the applicant.
- 13.7. Where an existing licence-holder is under an obligation to provide information to the Council (for example, details of any convictions or motoring endorsements received during the validity of the licence) and has failed to meet this obligation, it shall be open to the Council to investigate the reason for this failure, and to draw appropriate inferences. Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.
- 13.8. Where an applicant is required to complete the Council's knowledge test, any attempt at cheating in that test will result in their application being refused. Cheating in this context may include, but is not limited to, copying another applicant's answers, disruptive behaviour during the test, utilising any non-permitted papers or devices (unless consent has previously been given for their usage), or otherwise trying to gain an unfair or improper advantage.
- 13.9. Issues relating to criminal history and driving offences are outlined in Annex A.

## National Register of Taxi Licence Refusals and Revocations (NR3)

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

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

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

This is a mandatory part of [applying for] [being granted], a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [link / set out separately].

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

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

## 14. Medical suitability

- 14.1. Every application for a new licence or to renew a licence will be required to be accompanied by a medical certificate, in a format specified by the Council, completed by the applicant's own GP or by another suitably qualified medical practitioner who has had access to the applicant's medical records covering a minimum period of at least 5 years.
- 14.2. Applicants will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the Driver and Vehicle Licensing Agency (DVLA), and the Council's medical certificate will be drafted around these standards, requiring the medical practitioner to state whether, in their opinion, the applicant complies with the standards and is medically fit to drive hackney carriages or private hire vehicles. A summary of these standards can be viewed via [www.dft.gov.uk/dvla/medical/ataglance.aspx](http://www.dft.gov.uk/dvla/medical/ataglance.aspx)
- 14.3. Medical certificates will be requested upon first application, and at three-yearly intervals (on application to renew the licence) thereafter until the licence-holder reaches the age of 65. From the age of 65, a licence-holder will be required to submit completed medical certificates annually, on the anniversary of the grant of the most recent licence. Licences will still be issued for a three year period (in the absence of another limitation that causes the Council to issue a shorter duration licence), but failure to submit the medical certificate annually may lead the Council to suspend or revoke the licence.
- 14.4. Where an applicant does not fully comply with the standards, the Council will consider carefully whether this, in itself, will make the applicant an unfit person. For example, a condition that can be, and is being, controlled with corrective equipment or medication will not generally be considered to make a person unfit, although the Council may require further information or evidence from the applicant's doctor or consultant on the effect of such control measures, and the applicant's willingness to abide by the treatment programme.
- 14.5. Where the medical practitioner has stipulated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application.
- 14.6. Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.

### Diabetic applicants

- 14.7. The Council has adopted a specific policy in respect of diabetic applicants whose treatment carries a risk of inducing hypoglycaemia, such as insulin treatment or certain types of tablets. In addition to a medical certificate confirming that the applicant satisfies the Group 2 standards (which make specific provisions for various types of diabetes treatment), additional documents will be required as follows.
- 14.8. In all such cases, the Council will require a signed declaration from the applicant, confirming that they will:
- Comply with the directions for treatment given to him/her by the Doctor supervising that treatment;
  - Immediately report to the Licensing Authority, in writing, any change in diabetic condition;
  - Provide to the Licensing Authority, upon request, evidence that blood glucose monitoring is

being undertaken at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle during employment.

- 14.9. In the case of applicants undergoing insulin treatment, the Council will also require a letter from a Consultant Diabetologist confirming that the applicant has been undergoing insulin treatment for a minimum of four weeks.
- 14.10. Insulin dependent drivers must have an examination every 12 months, to be undertaken by their usual doctor, and if this is satisfactory it must also be followed up by an independent consultant specialist in diabetes if the examination by their usual doctor is satisfactory

## 15. Right to work in the UK

- 15.1. All applicants for a hackney carriage or private hire driver's licence will be required to demonstrate that they have the right to live and work in the United Kingdom. We will follow the general advice given by the UK Border Agency, available at [www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/](http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/), in ascertaining this status.
- 15.2. A licence cannot be granted to an applicant who is not entitled to work in the UK.
- 15.3. It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals.
- 15.4. The UK Border Agency maintains a list of documents that can evidence such an entitlement.
- 15.5. In addition to requiring documents, the Council may also make direct enquiries to the UK Border Agency, to verify the details of an applicant's right to work.
- 15.6. Where an applicant's entitlement to work (or to remain in the UK) is time-limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work.
- 15.7. Applicants who hold the following are able to use the Government's online right to work check at <https://www.gov.uk/prove-right-to-work>:
- your biometric residence permit (BRP)
  - your biometric residence card (BRC)
  - your passport or national identity card, if you have settled or pre-settled status

## 16. Drivers Code of Conduct

- 16.1. Drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence. Any driver who contravenes policy or any of these conditions may be deemed not fit and proper to hold a licence.
- 16.2. Whilst in control of a licensed vehicle, a driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the vehicle proprietor, the vehicle plate number and registration number.
- 16.3. Drivers must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within 7 days of the change taking place.
- 16.4. Drivers must notify the relevant council in writing within 7 working days of any change in their medical condition. A new medical may be requested by the council to determine if the driver is fit to continue to drive licensed vehicles.
- 16.5. Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA check they must provide all relevant documentation for this to the council within 14 days of the request.

- 16.6. Drivers must not drink or eat whilst driving, nor should they use any hand-held mobile phone, PDA, or any other device which may cause their attention to be distracted.
- 16.7. Drivers must not smoke or use electronic cigarettes/vaping equipment whilst in control of a licensed vehicle.
- 16.8. Drivers must not initiate any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of communication. Drivers are not permitted to have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle.
- 16.9. Drivers shall ensure that they comply with all traffic signs, signals and regulations and the Highway Code at all times. Drivers must not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers and must not park in breach of any parking restrictions.
- 16.10. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
- not sound the vehicle's horn
  - keep the volume of audio and communications equipment to a reasonable level
  - take all reasonable actions to avoid disturbance to persons in the vicinity
- 16.11. Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or waiting on a rank.
- 16.12. At hackney carriage ranks, drivers shall:
- queue in an orderly manner and proceed along the rank promptly
  - if approached by a potential customer, direct them to the vehicle at the front of the rank unless the passengers specifically ask for a particular vehicle or driver
  - not call out to any person to ask if they require a taxi ('touting')
  - remain in or within 10 metres of the vehicle
  - not park on the rank when not working.

# **Part C**

# **Vehicles**

## 17. Introduction and General

- 17.1. To have full use of a vehicle as a hackney carriage (taxi) or to allow a Dacorum Private Hire Operator to provide jobs to someone driving a private hire vehicle, the vehicle licence must be granted by Dacorum Borough Council.
- 17.2. A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement.

## 18. Emissions

- 18.1. The Council has, along with many other councils in the UK, declared that there is a current and future climate change emergency that requires urgent planning and action, one of the agreed plans of the Council is to ensure all services make the maximum possible impact in challenging the extent and causes of climate change.
- 18.2. **At first application** – Vehicles must meet or exceed Euro 5 emissions standards (From 01/04/2021 vehicles must meet or exceed Euro 6 emissions standards at first application.)
- 18.3. **At renewal** – From 01/04/2021 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 5 emissions standards. From 01/04/2023 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards.
- 18.4. By 2025 all vehicles will be expected to meet an electric/hybrid standard
- 18.5. Where vehicles do not meet the relevant emissions criteria the proprietor may:
- have the vehicle adapted / modified to meet the standard and provide evidence of this
  - change the fuel that is used to a cleaner alternative, such as bio diesel or
  - replace the vehicle with one that meets the emission standard.
- 18.6. **When will the different criteria be applied?**
- 18.7. If the licence of a currently licensed Hackney Carriage or Private Hire Vehicle is allowed to EXPIRE by its proprietor then any subsequent application will NOT be considered as a renewal. This means that where an existing vehicle licences expires, a subsequent application for a licence for that vehicle will be treated as a first time application and the standards and criteria relating to first time applications will be applied.
- 18.8. For the avoidance of doubt when a new vehicle has an existing plate transferred onto it the vehicle will be considered under the emissions criteria for a vehicle being licensed for the first time.

## 19. Hackney Carriage Vehicle Standards

### Hackney Carriages Vehicle Standards

Dacorum Borough Council will require vehicles presented for licensing as hackney carriages to satisfy the following criteria:

#### Vehicle specification

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:

- a. The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
- b. The vehicle must be right-hand drive;
- c. The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
- d. The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).

2. The vehicle must:

a. Be a saloon, estate, hatchback or multi-purpose vehicle with:

- i. at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
- ii. an engine capacity of not less than 1400cc;
- iii. all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
- iv. a suitable space separated from the passenger compartment for the safe carriage of luggage;

or

b. Be a 'London' type taxi; a purpose-built taxi or a similar large passenger carrying vehicle (with seating for no more than eight passengers), with:

- i. at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
- ii. an engine capacity of not less than 1800cc;
- iii. all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
- iv. a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or rearwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

### **Type approval**

3. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

- a. The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
- b. Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification,

must be of M1 EWVTA Approval.

c. Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

#### **Roadworthiness inspection and compliance test**

4. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

#### **Age of vehicle**

5. A vehicle which, on the date of issue of a licence is older than **10 years** (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

#### **Dual plating**

6. A vehicle will not be licensed as a hackney carriage if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

#### **Wheelchair accessibility**

7. A hackney carriage vehicle licence will only be granted in respect of a vehicle which is safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining within their wheelchair.

*(Note: The wheelchair accessibility requirement will not apply to the licence renewal or to the substitution of a vehicle to an existing licence, where a licence for a non-accessible vehicle was held prior to 1 April 2004, providing that the licence has been maintained continuously since then without revocation or lapse, and at no point since that time has a wheelchair-accessible vehicle been substituted to the licence).*

## **20. Private Hire Vehicle Standards**

### **Vehicle standards for private hire vehicles**

Dacorum Borough Council will require vehicles presented for licensing as private hire vehicles to satisfy the following criteria:

*N.B. Alternate standards will be applied to stretched limousines and novelty vehicles, presented for licensing.*

#### **Vehicle specification**

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
  - a. The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - b. The vehicle must be right-hand drive;
  - c. The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - d. The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the

widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).

2. The vehicle must:

a. Be a saloon, estate, hatchback or multi-purpose vehicle with:

i. at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;

ii. an engine capacity of not less than 1400cc;

iii. all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and

iv. a suitable space separated from the passenger compartment for the safe carriage of luggage; or

b. Be a large passenger carrying vehicle (with seating for no more than eight passengers), with:

i. at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;

ii. an engine capacity of not less than 1800cc;

iii. all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and

iv. a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

3. The vehicle must not resemble a 'London' type or purpose-built taxi or be of such design to lead any person to believe the vehicle is a taxi.

### **Type approval**

4. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

a. The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.

b. Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.

c. Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

### **Roadworthiness inspection and compliance test**

5. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

### **Age of vehicle**

6. A vehicle which, on the date of issue of a licence is older than **10 years** (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT

and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

### **Dual plating**

7. A vehicle will not be licensed as a private hire vehicle if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

## **21. Stretch limousines and novelty vehicles**

- 21.1.** In recent years, there has been a growing trend for the use of stretch limousines and other novelty vehicles, such as decommissioned fire engines, military vehicles or ice cream vans, which are hired for parties and other special occasions, including weddings and school proms. While wedding and funeral car services are specifically exempted from licensing requirements, there is no such exemption allowing the hire of vehicles for other types of event without a licence.
- 21.2.** As the pre-arranged hire of a limousine or other novelty vehicle with a driver, with passenger capacities not exceeding 8 persons, falls within the legal definition of a private hire business. The Council will therefore expect every business operating such vehicles within Dacorum to hold the applicable private hire operator licence, and for vehicles and drivers to be appropriately licensed as private hire vehicles and private hire drivers. As with any private hire business, the location of the operating base, at which hire bookings are invited and received, will determine the council which must issue these licences.
- 21.3.** Due to the unique nature of these vehicles, whilst they will share some common conditions that apply to all private hire vehicles there are also some additional conditions which will be applied, these can be found at \*\*\*\*\*.
- 21.4.** Licensed stretch limousines and novelty must be submitted for testing at six monthly intervals, to the appropriate Class MOT standard from a testing station nominated by the licensing section
- 21.5.** Three-wheeled motor vehicles such as Tuk Tuks or similar will not be licensed as Hackney Carriages or Private Hire Vehicles.

# **Part D**

# **Operators**

## 22. Introduction

- 22.1.** Operators form the backbone of the private hire vehicle regulatory system under the Local Government (Miscellaneous Provisions) Act 1976. Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority, and the location of the operator's base (and thus licensing authority) will determine from which authority all other licences must be obtained.
- 22.2.** The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles. Various legal cases have examined this definition in detail, as a result of which a wide range of businesses will require licensing under these provisions – the meaning will extend greatly beyond the provision of local 'minicab' services.
- 22.3.** Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced and supported to deliver the best service possible, and that vehicles are kept in a clean, safe and sound condition at all times. Although operators will generally have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), their other duties in ensuring the safety of the public mean that the Council must apply similar checks when considering applications for licences, as we must be satisfied that prospective operators are fit and proper persons.
- 22.4.** It should be noted that it is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for an operator's licence.

## 23. Application process

- 23.1.** Applications for Operator's licences must be made in writing using the application form provided by the Council. Every question on the application form must be completed fully and accurately, and the form must be signed by every applicant.
- 23.2.** Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Council must be satisfied as to the fitness and propriety of every applicant.
- 23.3.** Completed application forms (including any information in annexes required as part of the application) should be returned to the Council's offices. An application fee, which will be reviewed and set annually by the Council, will also be payable with each application – this fee may be paid by credit or debit card.
- 23.4.** Applications must also be accompanied by a Basic Disclosure certificate, issued by Disclosure Scotland (or the Disclosure & Barring Service, at such time as they begin to provide a basic disclosure service) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 3 months before the date

on which the application was made.

- 23.5.** The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by Dacorum Borough Council. These individuals have already been assessed for their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a booking for the knowledge test) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.
- 23.6.** If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.
- 23.7.** When all required documents and other information has been received, the application will be determined. The following sections of this document set out details of how we will consider certain aspects of the application.
- 23.8.** In determining applications, the statutory test that we must apply is set out at section 55 of the 1976 Act – namely, that the Council “shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence”. No definition of the meaning of the term ‘fit and proper’ is given, either in statute or in subsequent case law, and so the Council will exercise its discretion and consider a wide range of matters in reaching its decision.
- 23.9.** Where it is proposed to refuse an application, an applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Sub-Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.
- 23.10.** If an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. However, the Council reserves the right to grant licences for a shorter duration, should this be considered necessary due to the circumstances of a particular application.
- 23.11.** A number of operator's licences are held by small businesses, which only operate one or two vehicles – particularly in the executive and chauffeur sectors of the trade. Where an application is made by a business proposing to operate no more than three vehicles at any time during the period of the licence, that business will be deemed to be a small operator. All other provisions of this document will be applied without amendment.
- 23.12.** Operator's licences are non-transferrable. In the event of control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply afresh for a licence.
- 23.13.** Section 62 of the 1976 Act provides a power for the Council to suspend or revoke an operator's licence, on various grounds including the commission of an offence or non-compliance with the 1976 Act, conduct on the part of the operator which appears to render him unfit, any material change in the operator's circumstances, or any other reasonable cause. The Council may also prosecute an operator for various breaches, including failure to keep the prescribed records, or operation of unlicensed vehicles or drivers.
- 23.14.** Where an application is refused, or a licence suspended or revoked, or if an operator is aggrieved by

conditions added to his licence, a right of appeal to a magistrates' court will exist. Details of this right will be issued with any documentation sent at the relevant time.

## 24. Fitness and propriety of applicants

- 24.1. Section 55(1) requires that the Council must be satisfied before granting an application for an operator's licence that the applicant is a fit and proper person to hold such a licence. In common with other provisions in that Act, no definition is offered as to the precise meaning and limitations of the term "fit and proper person", and it is therefore open to the Council to consider any and all information that may be of relevance in determining an application. This chapter of the policy does not attempt to form a definition of the term "fit and proper", but merely serves to highlight some of the matters that may routinely be examined as part of the determination of an application. It must however be noted at the outset that the provisions herein are not exhaustive, and if other relevant information is available the Council reserves the right to take it into account.
- 24.2. In accordance with the Interpretation Act, the term 'person' may apply to both individuals and bodies corporate and unincorporated. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.
- 24.3. The Council will consider all applications on their individual merits. Although the following paragraphs set out some of the main considerations, any information which appears to the Council to cast aspersions over the applicant's suitability to hold a licence may be taken into account.

### Convictions

- 24.4. Dealt with in Annex A

### Disability Awareness Training

- 24.5. All applicants for an operator's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.
- 24.6. Once passed, the training must be retaken by all licensed operators every 5 years.  
Safeguarding Training
- 24.7. All applicants for an operator's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.
- 24.8. Once passed, the training must be retaken by all licensed operators every 5 years.

### Financial propriety

- 24.9. As operators will be responsible for the financial aspects associated with operating a business (which may including maintaining customer accounts, negotiating contracts, payments to employed/engaged drivers, and maintenance of accurate business accounts), the Council will consider evidence of previous financial impropriety or difficulties when assessing the fitness and

propriety of applicants for licences. Although convictions for finance-related offences will be listed on the criminal record certificates referred to in the preceding paragraphs, there are a number of other sanctions which may be applied, which would not be shown on the certificate. The Council will carry out checks of applicants to ensure that these sanctions have not been applied.

**24.10.** In particular, where an applicant is currently subject to one or more of the following sanctions or proceedings, which is active at the time of application, an application for a licence will usually be refused:

- An undischarged bankruptcy order
- Other insolvency proceedings, including an individual voluntary agreement (IVA)
- Disqualification from appointment as a company director

**24.11.** Where a limited company applicant has been liquidated or dissolved, an application for a licence will usually be refused. Where a company is currently in administration and is continuing to trade under the control of an administrator, the Council will usually seek further information and assurances from the administrator prior to granting a licence. In these cases, the administrator must be named on the application, and should complete the application form on behalf of the company.

### **Previous licences**

**24.12.** Any relevant licensing history relating to an applicant or operator may be considered during further applications. For example, if an applicant has previously had a licence revoked, whether by Dacorum or by any other authority, this may indicate an underlying issue with the fitness or propriety of that person. Where appropriate to do so, further information may be sought from any other relevant authority, to the extent permitted by data protection laws.

**24.13.** Where an applicant has had a previous licence revoked, or an application for a licence refused within the preceding 3 years, an application for a licence will usually be refused.

**24.14.** Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by the Council during its determination of applications.

## **25. Planning**

**25.1.** Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

**25.2.** Planning officers can be contacted during normal working hours on 01442 228376, or by email to [planning@dacorum.gov.uk](mailto:planning@dacorum.gov.uk)

**25.3.** Planning and licensing operate as separate (albeit linked) regulatory regimes, and the absence of planning permission for a particular site will not serve to prohibit the licensing authority from granting a licence. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

## 26. Insurance

- 26.1. The Council strongly advises all operators to take out suitable liability insurance policies covering all aspects of their business, prior to the start of operations.
- 26.2. In particular, we recommend that operators hold policies in respect of public liability (to deal with any claims for damages arising from the activities of the business affecting customers and members of the public) and employer's liability (relating to any claims by persons employed or engaged by the operator, who are injured, become ill or otherwise suffer damages as a result of the business activities).
- 26.3. The Council cannot give advice as to which insurance policies or providers will be the most suitable – it is for operators to source their own advice in this regard.
- 26.4. It falls outside the remit of the licensing authority to stipulate a suitable level of insurance to be held, or to take action against businesses who fail to secure appropriate policies. However, in the absence of an insurance policy any legal claims made against the operator could result in the individual proprietors of the business being held liable for any damages or legal costs incurred during proceedings, which could run to very large sums.

## 27. CCTV

- 27.1. The DfT recommends councils to look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
- 27.2. The Council does not require enhanced security or CCTV measures in vehicles. Operators and drivers may install such equipment but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with any relevant data protection legislation or regulations. It is the responsibility of the driver/operator to ensure compliance.
- 27.3. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

## 28. Communications and information security

- 28.1. In the course of their business, operators will be required to process and store various pieces of data, some of which will be personal data. The processing and storage of this data will fall under the provisions of the Data Protection Act 2018, which will require the Operator to take certain measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).
- 28.2. Although the standard business activities of an operator are not likely to require registration with the Information Commissioner's office as a data controller, operators should be aware that if they go beyond the basic activities, they may well have to register. In particular, the operation of a CCTV system (either at publicly accessible premises or in cars provided by the operator) or similar recording of audio or video signals may require registration.
- 28.3. For further advice on whether registration as a data controller is required, please see the website of

the Information Commissioner's Office, at [www.ico.org.uk](http://www.ico.org.uk)

28.4. Where an Operator maintains a radio network for use by his drivers, the range or frequency used by the system may require the Operator to obtain a business radio licence<sup>5</sup> from Ofcom. Operators will be asked to confirm whether they have satisfied this requirement on making an application.

## 29. Trading names

29.1. Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

29.2. While trading names are a matter for an Operator to determine, the Council will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

29.3. In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term
- A term associated with inequality
- A term with political implications
- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator, either licensed in the Dacorum area, or trading in a neighbouring area
- The trading name used by a Dacorum hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since
- A name which implies official recognition or endorsement by the Council or another regulatory body
- A term in any language other than English which when translated would fall within any of the preceding categories.

29.4. Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators. However, if the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

29.5. Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

29.6. This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 1st September 2013 (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

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<sup>5</sup> See <http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio/> for details.

## 30. Door signs and advertising

- 30.1. Under the Council's standard conditions applying to vehicle licences, vehicles which are operated by an operator must display that operator's door signs in prescribed positions, at all times. The door signs must be no larger than 75 x 40 cm (30" x 16"), and must be of a design and colour scheme approved by the Council. Every door sign must display either the operator's name, or a recognisable identifying symbol or logo, as well as the words "licensed private hire vehicle" or "licensed taxi" as applicable.
- 30.2. A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Council as soon as practicable following the confirmation of grant of the licence. No door sign may be used upon a vehicle until approval of the size, design and colour scheme has been given. Proofs may be supplied either on paper or electronically – if sent in the latter format, please note that while we can view most common image file types (e.g. JPEG, bitmap, GIF, PNG), we will not be able to view specialist graphics files or proprietary file types requiring specialist software. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.
- 30.3. Door signs should be manufactured of a robust material, suitable for the expected use of the vehicle, and must be replaced if they become badly damaged or faded.
- 30.4. An internal panel, no larger than 25 x 20 cm (10" x 8"), may also be used for advertising of any product or service, subject to approval of the advertisement by the Council. Panels may not be illuminated (and as such, video screens displaying advertisements would not comply with the current conditions). Again, approval will not be unreasonably withheld, subject to the wording, imagery and layout being suitable for passengers of a wide variety of backgrounds and characteristics. A charge, commensurate with the cost to the Council of approving such an advertisement, may be required prior to the issue of approval.
- 30.5. Business card dispensers containing cards with the operator's contact details may also be utilised within vehicles, without restriction (other than to ensure that they do not obstruct the safe operation of the vehicle).

## 31. Use of mobile applications

- 31.1. The use of mobile applications (apps) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. The Council supports the use of such innovation, which has many potential public safety benefits.
- 31.2. Apps must be approved by the Council prior to their use, and must not have a negatively impact on public safety.

## 32. Conditions

- 32.1. Under section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions so attached.
- 32.2. The Council has adopted a schedule of standard conditions which will be attached to all licences issued. These conditions are set out later in this document, at Schedule F5.

32.3. The attachment of these standard conditions does not prevent the Council from attaching any other necessary condition to the licence, in response to specific issues that have been considered as part of the application. This power may also be used to substitute or go beyond any of the standard conditions with requirements that are more or less stringent, as the case may be.

## 33. Exemptions

- 33.1. Historically, the Council has considered requests from certain operators in niche sectors for their businesses to be exempted from one or more of the requirements imposed under licences. In all cases, operator, vehicle and driver licences were still required, but the Council may have agreed to waive one or more of the licence conditions or pre-requisites – for example, negating the requirement to display door signs, where the operator could demonstrate a genuine need for this.
- 33.2. Exemptions have only ever been granted sparingly, and before a request will be considered a significant amount of supporting material, including customer account details, letters of reference from prospective clients, and evidence of the effect of refusal to grant an exemption has been required. Exemptions have only been considered for specialist businesses – for example, those providing novelty vehicles such as stretch limousines, or executive chauffeur businesses, and not for those businesses undertaking what would typically be regarded as ‘routine’ or ‘general’ private hire work.
- 33.3. The Council’s position on exemptions is that the requirements imposed under its licences are reasonable and necessary to fulfil our main duty of ensuring public safety, and we will expect to apply them in every case. However, in certain exceptional circumstances we will consider requests from operators for exemption from one or more of our requirements, on a whole-business level only. Exemptions will only be granted if we are satisfied that there is an exceptional need for this to be so. It will not be enough to simply state that being exempted will assist the business – we will need to see demonstrable evidence that the business would not be viable if the requirement were applied rigidly, that there are no suitable ways in which the requirement could be satisfied through alternate means (e.g. smarter designs for door signs, reflecting the executive usage) and that our duty to maintain public safety will not be adversely affected by the grant of the exemption.
- 33.4. In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.
- 33.5. Where exemptions are granted, the Council reserves the right to impose substitute conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternate. All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Council can no longer be satisfied that the exemption is necessary, or if there is evidence that it has been abused (e.g. if vehicles exempted from displaying door signs have been used for ‘general’ private hire work).
- 33.6. Exemptions can be considered for an operator for its entire business, or for specific drivers and vehicles that are to only carry out what the Council recognises to be executive work. In any case, the Council will take strong action against any licensee evidenced to be abusing an exemption.
- 33.7. Under no circumstances will exemptions from the signage requirements for hackney carriages be granted. Our conditions require these vehicles to display roof signs, licence plates, door signs where

engaged by an operator, and an illuminated 'for hire' sign, at all times. As these vehicles are available for public hire, the Council will expect these vehicles to display all of this signage whenever operational, irrespective of the current use of the vehicle. Similarly, no exemptions will be granted in respect of the licensing pre-requisites for hackney carriage drivers.

# **Part E**

## **Standards**

## Schedule E1 – Hackney carriage vehicle: pre-licensing standards

Dacorum Borough Council will require that any vehicle which is presented for licensing as a hackney carriage satisfies the following criteria:

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### Vehicle specification

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
  - (a) The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - (b) The vehicle must be right-hand drive;
  - (c) The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - (d) The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16”) per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).
2. The vehicle must:
  - (a) Be a saloon, estate, hatchback or multi-purpose vehicle with:
    - (i) at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
    - (ii) an engine capacity of not less than 1400cc;
    - (iii) all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
    - (iv) a suitable space separated from the passenger compartment for the safe carriage of luggage;  
or
  - (b) Be a ‘London’ type taxi; a purpose-built taxi or a similar a large passenger carrying vehicle (with seating for no more than eight passengers), with:
    - (i) at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
    - (ii) an engine capacity of not less than 1800cc;
    - (iii) all seats facing forwards or rearwards, and each fitted with a seat beat restraint per passenger per seat; and
    - (iv) a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and

restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

#### **Type approval**

3. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:
  - (a) The Council will accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
  - (b) Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.
  - (c) Vehicles converted from other base vehicle types (e.g. M2 or N1) will only be accepted for licensing, when converted and certified in accordance with sub-paragraph a.

#### **Roadworthiness inspection and compliance test**

4. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

#### **Age of vehicle**

5. A vehicle which, on the date of issue of a licence is older than 10 years (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

#### **Dual plating**

6. A vehicle will not be licensed as a hackney carriage if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

#### **Wheelchair accessibility**

7. A hackney carriage vehicle licence will only be granted in respect of a vehicle which is safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining within their wheelchair.  
*(Note: The above requirement will not apply to the licence renewal or to the substitution of a vehicle to an existing licence, where a licence for a non-accessible vehicle was held prior to 1 April 2004, providing that the licence has been maintained continuously since then without revocation or lapse, and at no point since that time has a wheelchair-accessible vehicle been substituted to the licence).*

## Schedule E2 – Private hire vehicle: pre-licensing standards

**Dacorum Borough Council will require that any vehicle which is presented for licensing as a private hire vehicle satisfies the following criteria:**

*N.B. Alternate standards will be applied to stretched limousines and novelty vehicles presented for licensing.*

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### Vehicle specification

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
  - (a) The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - (b) The vehicle must be right-hand drive;
  - (c) The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - (d) The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).
2. The vehicle must:
  - (a) Be a saloon, estate, hatchback or multi-purpose vehicle with:
    - (i) at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
    - (ii) an engine capacity of not less than 1400cc;
    - (iii) all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
    - (iv) a suitable space separated from the passenger compartment for the safe carriage of luggage;  
or
  - (b) Be a large passenger carrying vehicle (with seating for no more than eight passengers), with:
    - (i) at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
    - (ii) an engine capacity of not less than 1800cc;
    - (iii) all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
    - (iv) a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and

restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

3. The vehicle must not resemble a 'London' type or purpose-built taxi or be of such design to lead any person to believe the vehicle is a taxi.

#### **Type approval**

4. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:
  - (a) The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
  - (b) Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.
  - (c) Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

#### **Roadworthiness inspection and compliance test**

5. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

#### **Age of vehicle**

6. A vehicle which, on the date of issue of a licence is older than 10 years (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

#### **Dual plating**

7. A vehicle will not be licensed as a private hire vehicle if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

*N.B. Vehicles which do not satisfy certain of the above requirements may be considered for licensing in exceptional circumstances, at the discretion of the Council. Please contact a licensing officer to discuss prior to making an application or purchasing a vehicle.*

## Schedule E3 – Vehicle compliance test standards

The following matters will be examined during the Compliance test carried out on vehicles presented for licensing as hackney carriages or private hire vehicles. All items must be considered to be satisfactory by the authorised vehicle examiner, before the vehicle will be issued with a Compliance Certificate.

The decision of the vehicle examiner in determining these matters is final.

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**1. Fog lamps (front & rear) – Operation & Condition**

These must operate when switched on, lenses should not be cracked or broken.

**2. Number plate lamps (front & rear) – Operation & Condition**

These must operate when vehicle lights are switched on, lenses should not be cracked or broken.

**3. Brake/clutch pedal rubbers – Condition**

These should be free from excessive wear & damage.

**4. Spare wheel – Present & Condition**

A spare wheel must be present, and in a road worthy condition. If vehicle is not equipped with a spare wheel, a canister of instant wheel repair must be present.

**5. Wheel brace & jack – Present & Condition**

Above tools should be present and in a useable condition.

**6. Windscreen washers (front, rear & headlamp) – Operation**

These must operate when switched on.

**7. Windscreen wipers (front, rear & headlamp) – Operation & Condition**

These must operate when switched on in all positions. Condition of wiper blades should be of an acceptable level.

**8. Silencer – Operation**

The silencer should reduce the level of noise from the exhaust to an acceptable level.

**9. Security of battery – Condition**

The vehicle battery must be securely fitted, with no signs of corrosion around fixture.

**10. Carpets (front & rear) – Condition & Cleanliness**

These should be free from excessive tears, burns and stains. Furthermore the carpets should not show signs of excessive wearing, and should be neatly and securely fitted. If mats are used, these too should be clean and secure.

**11. Door & window handles – Operation**

All door handles and window mechanisms must be intact and working properly.

**12. Door Signs – Present**

Private Hire Only – maximum size 30" x 16", must include the name and/or the company logo, the words "LICENSED PRIVATE HIRE CAR" and be displayed on the front doors only of the vehicle. Vehicles used for executive or contract hire are exempt from this requirement.

### **13. Bodywork & bumpers – Condition**

**Rust:** any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with visible rust patches, should be failed.

**Dents:** any vehicle with minor dents on one or more panels, where such dents are more than 5cms in diameter/length should be failed. Panels with more than one dent of any size should be failed.

**Scratches:** any vehicle with un-repaired scratches to bare metal on 3 or more panels, of 5cms in length, or a single scratch of more than 20cms in length, must be failed.

**Paintwork:** should be in good condition; panels with unmatched colours or in primer, should be deemed as failures.

**Bumpers:** No splits, cracks or other significant damage. Any repairs should have been carried out in a professional manner.

### **14. Upholstery & roof linings – Condition**

These should be clean & in good condition. Fabric should be free from excessive tears, burns & stains.

### **15. Exterior Plate – Present**

Licence Plate – issued by the Council bearing the number of the licence granted in respect of the vehicle, shall be securely fixed on the rear outside of the vehicle in such a position that it shall be clearly visible from the rear of the vehicle. In the case of vehicles exempt from displaying the plate (Private Hire Only), the plate and the Notice of Exemption issued by the Council, should be carried on the vehicle at all times and available for inspection. This requirements does not apply to vehicles not previously licensed. In these circumstances the Testing Station should clearly mark this section with the wording "New Application – Not Yet Licensed".

### **16. Boot interior – Condition**

The boot space should be clean & tidy, and capable of carrying a reasonable amount of luggage.

### **17. Roof signs (Hackney only) – Present**

To be fitted over the centre of the roof of the vehicle, a minimum size of 14" in length by 4½" in height. Showing the word "TAXI" to the front, and if required the owners name and telephone number on the rear side. The lettering of the word "TAXI" must not be less than 2½" in height, and any other wording must not be in larger letters than the word "TAXI".

### **18. Road fund licence – Present**

A valid road fund licence must be securely positioned in the bottom left hand corner of the front windscreen.

### **19. Interior licence plate – Present**

Internal plate – the double sided interior plate issued by the Council, bearing the number of the licence granted in respect of the vehicle, shall be displayed in the windscreen of the vehicle. The plate shall be displayed in such a position that it is clearly visible from the outside of the vehicle, and to passengers travelling in the vehicle whilst it is being used for hire. This requirement does not apply to vehicles not previously licensed. In these circumstances the Testing Station should clearly mark this section with the wording "New Application – Not Yet Licensed".

### **20. Radio/car phone – Position**

If fitted, any 2-way radio equipment must be securely fitted. The position of the radio handset should be located within the centre consul of the vehicle. Similarly if a car phone is installed, it should be securely fitted and located on or near to the vehicle centre consul.

### **21. Tariff card (Hackney only) – Present**

A current tariff card should be located in the vehicle so as to be clearly visible & legible to all passengers.

**22. Meter sealed – Condition**

A visual check must be undertaken to ensure that all meters are sealed.

**23. Interior lighting – Operation**

All interior lights must work correctly when switched on, or when doors are opened.

**24. Seating capacity – Visual**

Vehicles must not exceed seating capacity as specified on licence plate.

**25. Fire extinguisher – Present & Condition**

The Fire Extinguisher, which must be of the dry powder type, must be charged (evident by a gauge if fitted) or properly sealed (tamper-proof seal), be securely fitted and readily available for use in an emergency. Ideally, it should be secured in the boot of the vehicle, but still accessible when there is luggage in the boot space.

**26. First aid kit – Present & Condition**

The First Aid Kit should be securely fitted and adequately stocked with a range of basic first aid equipment. It too should be readily available for use in an emergency, and may be kept either inside the vehicle or located in the boot.

**27. Guard rail to rear compartments (Estates only) – Present**

A securely fixed guard rail must be provided in the case of estate type vehicles, to effectively separate the luggage and passenger compartments, to safeguard passenger safety.

**28. Windscreens – Condition**

The windscreen must free from signs, notices and advertisements except for those required by other statute or as permitted by the Council.

**29. Wheel Trims – Condition**

If wheel trims are fitted, all four should match and be securely fitted.

**30. Any Other Items (Inspector's Discretion)**

This final section allows for some discretion on the part of the Vehicle examiner for items that are neither covered by the MOT Test nor the Compliance Test schedule above. This may mean items such as oil leaks, illuminated warning lights, leaking / blowing exhaust or any other item that the examiner considers not necessarily dangerous but nevertheless actually or potentially detrimental to the Vehicle's overall condition could lead to a failure. Broadly speaking, licensed Vehicles are expected to be of a high standard, and so items normally considered 'insignificant' should be rectified to pass the Compliance Test.

# **Part F**

## **Conditions and byelaws**

## Schedule F1 – Hackney carriage byelaws

The following byelaws were made by Dacorum Borough Council in February 1988 and amended in January 1992, to regulate the conduct of licensed hackney carriage drivers and proprietors within the borough.

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### 1. BYELAWS

*Made under s.68 of the Town Police Clauses Act 1847 and s.171 of the Public Health Act 1875 by the Dacorum Borough Council with respect to Hackney Carriages in the Borough of Dacorum. Throughout these byelaws "the Council" means the Dacorum Borough Council. "The District" means the Borough of Dacorum.*

#### **PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.**

2. (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:
  - (i) 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;
  - (ii) not 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.

#### **PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED**

3. 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 covering to be kept water-tight;
  - (c) provide any necessary windows and 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; and

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. 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 taximeter 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 or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by (time as well as for) distance in pursuance of the tariff fixed by the Council 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 figures shall be capable of being suitably illuminated during any period of hiring; and
  - (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.

**PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES.**

5. The driver of a Hackney Carriage provided with a taximeter 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) before beginning a journey for which a fare is charged for distance (and time), 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; and
  - (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; this being the time between half an hour after sunset and half an hour before sunrise, and also at any other time at the request of the hirer.
6. 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.
7. 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 Council in that behalf;
  - (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; and
  - (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.
8. 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 that purpose.
9. 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.
10. 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.
11. 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 place affixed to the outside of the carriage.
12. 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.
13. 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; and
  - (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.
14. The driver of a Hackney Carriage shall not, without the express consent of the hirer, smoke, drink or eat in such Hackney Carriage.<sup>6</sup>
15. The driver of a Hackney Carriage shall at all times, when exercising his calling, be clean and respectable in his dress and person.
16. The driver of a Hackney Carriage shall not, when standing or plying for hire on any taxi rank or public

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<sup>6</sup> Smoking in work vehicles was made illegal by the Smoke-free (Premises and Enforcement) Regulations 2006 which came into force on 1st July 2007

place, wash or clean such carriage.

17. The driver of a Hackney Carriage shall not, without the express consent of the hirer, play any radio or sound reproducing equipment in such carriage, other than for the purpose of sending or receiving messages in connection with the operation of such carriage.
18. The driver of a Hackney Carriage shall not cause or permit the noise emitted by any radio or other equipment in such carriage to be a source of nuisance or annoyance to any person, whether inside or outside such carriage.
19. The driver of a Hackney Carriage shall, when requested by any person on hiring or seeking to hire the carriage, carry a guide dog accompanying a visually handicapped person.
20. The proprietor or driver of a Hackney Carriage shall not suffer any printed, written or other matter, other than the current carriage's excise licence, or other than such as shall have received the prior approval of the Council, to appear upon any window of such carriage.

**PROVISIONS FIXING THE RATES OR FARE TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES.**

21. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.
22. Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
23. (a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council Resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.  
  
(b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGE, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.**

24. 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.
25. 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; and
  - (b) be entitled to receive from any person to whom the property shall be redelivered any amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

## **SPECIAL PROVISIONS IN RELATION TO HORSE DRAWN HACKNEY CARRIAGES**

26. The proprietor or driver of a Hackney Carriage shall not while standing plying or driving for hire drive or allow to be driven or allow to be harnessed to the carriage any horse in such condition as to expose any person conveyed or being in such carriage or any person traversing any street to risk of injury.
27. The driver of a Hackney Carriage drawn by any horse or horses shall while standing plying or driving for hire cause every part of the harness of the horse or horses drawing the carriage to be kept in order so that the horse or horses shall be properly and securely attached to the carriage and under due control.
28. The proprietor or driver of a Hackney Carriage drawn by any horse or horses shall not in any street feed or allow to be fed any horse harnessed or otherwise attached to such carriage except with food contained in a proper bag or other receptacle suspended from the head of such horse or from any centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.
29. The proprietor or driver of a Hackney Carriage drawn by any horse or horses shall not except on Saturdays Sundays or Bank Holidays between the hours of 10.00 am until 30 minutes prior to sunset and the distances determined by the Council from time to time exercise his calling.
30. The following provisions of the Hackney Carriage byelaws shall not apply to horse drawn Hackney Carriages:  
  
(Furnishings etc) Byelaws 4, 5, 6, 14 and 15.

## **PENALTIES**

31. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continued after conviction therefore.

## **REPEAL OF BYELAWS**

32. The byelaws relating to Hackney Carriages which were made by the Major, Alderman and Burgesses of the Borough of Hemel Hempstead on the 19th day of December 1961 and which were confirmed by the Assistant Under Secretary of State at the Home Office on the 16th day of April 1962 are hereby repealed.

Given under the Common Seal of the Dacorum Borough Council the 11th day of February 1988.

THE COMMON SEAL of DACORUM BOROUGH COUNCIL was hereunto affixed in the presence of:

Chief Executive

Assistant Director (Law)

THE FOREGOING BYELAW IS HEREBY CONFIRMED BY THE SECRETARY OF STATE AND SHALL COME INTO OPERATION ON THE 6TH DAY OF MAY 1988

H FAWCETT

AS ASSISTANT SECRETARY IN THE DEPARTMENT OF TRANSPORT ON BEHALF OF THE SECRETARY OF STATE  
FOR TRANSPORT

Byelaws amended by the addition of paragraphs 14 to 17 and 25 to 29 and existing byelaws renumbered  
accordingly on 13th April 1992

Given under the Common Seal of the Dacorum Borough Council on the 30th day of January 1992

THE COMMON SEAL of DACORUM BOROUGH COUNCIL was hereunto affixed in the presence of:

Chief Executive

Assistant Director (Law)

THE FOREGOING BYELAW IS HEREBY CONFIRMED BY THE SECRETARY OF STATE AND SHALL COME INTO  
OPERATION ON THE 13TH DAY OF APRIL 1992

P E PICKERING

AS ASSISTANT SECRETARY IN THE DEPARTMENT OF TRANSPORT ON BEHALF OF THE SECRETARY OF STATE  
FOR TRANSPORT

2 Marsham Street, London

## Schedule F2 – Hackney carriage vehicle licence conditions

**The following are the standard conditions which affix to hackney carriage proprietor's (vehicle) licences issued by Dacorum Borough Council:**

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

### **Maintenance of Vehicle and Safety Equipment**

1. The proprietor of the vehicle shall:

- (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
- (b) Cause the roof or covering to be kept watertight;
- (c) Provide adequate windows which must be capable of being opened and closed at all times by passengers;
- (d) Cause the seats to be properly cushioned, covered and kept clean;
- (e) Cause the floor to be provided with a proper carpet, mats or other suitable floor covering;
- (f) Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
- (g) Provide means for securing luggage;
- (h) Provide external rear view mirrors to be fitted both sides of the vehicle;
- (i) Provide a heater screen to the rear window of the vehicle which must be kept in working order;
- (j) Ensure that the wheels (including the spare) are not fitted with remould tyres;
- (k) Ensure that the wheels (including the spare) are fitted with radial tyres, unless the vehicle is an FX4 or London type Taxi;
- (l) Provide an efficient vaporising liquid or dry powder fire extinguisher, which shall be carried in such a position as to be readily available for use at all times;
- (m) Provide a first aid kit, such equipment to be carried in such a position in the vehicle as to be readily available for use at all times. (a list of minimum contents will be supplied if requested)
- (n) Ensure that the vehicle and all its fittings and equipment are at all times, when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with;
- (o) Ensure that no material alterations or changes in specification, design, condition or appearance of the vehicle are made without the approval of the Council at any time whilst the licence is in force;
- (p) If the vehicle is an estate style vehicle, a guardrail must be fitted of a type approved by the Council, to separate the rear loading area from the passengers. In the case of hatchback models, it is only

necessary to fix a guardrail when the parcel shelf is removed.

### **Identification Plate**

2. The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed to the satisfaction of the Council, on or above the bumper on the outside of the offside rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the proprietor/driver shall not willfully or negligently conceal it from public view whilst the vehicle is being used for hire.

### **Interior Marking**

3. The interior plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed inside the vehicle, to the satisfaction of the Council, in such a position that it is clearly visible to the passengers while the vehicle is being used for hire.

### **Roof Signs**

4. The proprietor must fit a sign over the centre of the roof of the vehicle of a minimum size of 14" in length and 4½" in height showing the word "TAXI" to the front and if required the owner's name and telephone number on the rear side. The lettering of the word "TAXI" must not be less than 2½" in height and any other wording must not be in any circumstances in larger letters than the word "TAXI"

### **"FOR HIRE" Sign**

5. The proprietor must fit an illuminated "FOR HIRE" sign inside and on the windscreen of the vehicle in a position approved by the Council. The sign's illumination must be switched off when the vehicle has been hired.

### **Notices, Advertisements etc**

6. No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems, badges or any device whatsoever must be displayed on, in or from the vehicle, except as may be required by a statutory provision or the following conditions:
  - (a) An identification sign of a maximum size of 30" x 16" showing the name of the firm and/or the company's symbol or badge which must include the words "LICENSED TAXI" may be displayed on the front doors of the vehicle only, subject to an Authorised Officer of the Council approving the appropriate size, layout and design and wording prior to them being displayed on the vehicle. In the case of wheelchair accessible vehicles the signage must be displayed on the rear doors of the vehicles.
  - (b) Where an identification sign in (a) above is not displayed an independent advertising panel of a maximum size of 30" x 16" may be displayed on the front doors only of the vehicle, subject to an Authorised Officer of the Council approving the appropriate size, layout, design and wording prior to them being displayed on the vehicle. In the case of wheelchair accessible vehicles the signage must be displayed on the rear doors of the vehicles.
  - (c) A panel of a maximum size of 10" x 8" for displaying advertisements may be displayed on the interior of the vehicle, provided it is not illuminated or readily visible outside the vehicle, subject to an Authorised Officer of the Council approving the layout, design and wording prior to it being displayed inside the vehicle.

## **Fare Table**

7. The proprietor must display the printed copy of the table of fares in a prominent position in the passenger compartment of the licensed vehicle, and the fare charged to any passenger must not exceed that in the table.

## **8. Taxi Meters**

- (a) The proprietor shall fit inside the vehicle a taximeter of a type approved by the Council for recording the fares payable by passengers in conforming with such table of fares as may from time to time be approved by the Council.
- (b) The position of the taximeter inside the vehicle shall be approved by an Authorised Officer.
- (c) The meter shall be tested and sealed by an Authorised Officer.
- (d) The proprietor shall not tamper with or permit any person to tamper with any taximeter and the seals affixed thereto.
- (e) The operation of the taximeter shall be in accordance with the appropriate byelaws made by the Council.
- (f) Unless the hirer expresses at the commencement of the hiring his desire to engage by time, the rate of the fare shall be by distance as set by the Council.
- (g) When a taxi is used as a private hire car, the fare to be charged must be calculated from the point in the Borough at which the hirer begins their journey, and cannot be calculated by reference to the distance between the office and the pick-up point or between the point where the driver finished his/her last journey and the pick-up point, and at no time is the fare to be greater than the table of fares approved by the Council.

## **Two Way Radio Equipment and Hands-Free Telephones**

9. The proprietor shall notify the Licensing Office before such equipment is installed in a licensed vehicle, so that the equipment and proposed position can be checked and approved in relation to passenger and driver safety.

## **Driver**

10. The driver shall at all times be clean and respectable in his dress and behave in a civil and orderly manner.

## **Passengers**

11. The driver shall not, when the vehicle is in use:

- (a) Carry more passengers than the vehicle is licensed to carry; *(NB: A one-day old child is a passenger)*
- (b) Have more than one passenger in one seat belt;
- (c) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;

- (d) Place any passenger in danger regarding the use of seat belts or child restraints.

#### **Change of Address**

12. The proprietor shall immediately notify the Council in writing of any change of his/her address during the period of the licence.

#### **Convictions**

13. The proprietor of the vehicle shall immediately disclose to the Council in writing any conviction imposed on him/her or the driver during the period of the licence.

#### **Deposit of the Drivers Licence**

14. If the proprietor of the vehicle permits or employs any other person to drive the vehicle as a taxi, he/she shall, before the person starts to drive the vehicle, cause the driver to deliver to him/her his/her Taxi Drivers Licence for retention until such time as the driver ceases to be engaged or employed to drive the vehicle or any other vehicle of his/hers.

#### **Copy of Vehicle Licence Conditions**

15. The proprietor shall make sure that he/she or any driver he/she employs carries a copy of the vehicle licence and conditions in the vehicle, and makes them available for inspection by an Authorised Officer, the hirer or any other passenger on request.

#### **Insurance**

16. The proprietor shall at all times be adequately insured to the Council's satisfaction in respect of the use of the vehicle for carrying fare paying passengers and ensure that he/she or any driver he/she engages or employs carries proof that the vehicle is insured and makes it available for inspection by an Authorised Officer, the hirer or any other passenger on request.

#### **Accidents**

17. Any accident to a vehicle must be reported to the Council as soon as possible and, in any case, within 72 hours. A Vehicle Damage Report must be presented to the Licensing Office. **No further hirings may be undertaken until the vehicle has been inspected and approved by an Authorised Officer.**

(Note: a vehicle that has been withdrawn from service may require a further mechanical test at the Council's authorised testing station before being allowed to return to service, this depends on the extent of damage. (Any cost to be met by the proprietor))

#### **Conditions**

18. The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

If you are aggrieved by any of the Conditions attached to a licence, you may appeal to a Magistrates Court within 21 days of the service of the licence on you. (S.47 and 77 of the 1976 Act and S.300 to 302 of the Public Health Act 1936).

## Schedule F3 – Private hire driver licence conditions

**The following are the standard conditions which affix to private hire driver licences issued by Dacorum Borough Council:**

Any requirements of legislation which effects the operations being carried out under the terms of the licence shall be regarded as if they are conditions of this licence.

### **Conduct of Driver**

1. The driver shall:

- (a) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner;
- (b) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
- (c) Not without the express consent of the hirer, smoke, drink or eat in the vehicle;
- (d) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (e) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

### **Passengers**

2. The driver shall not:

- (a) Carry more passengers than the vehicle is licensed to carry (NB: a one day old child is a passenger);
- (b) Have more than one passenger in one seat belt;
- (c) Without consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
- (d) Place any passenger in danger regarding the use of seat belts or child restraints

### **Luggage**

3. The driver shall:

- (a) Convey a reasonable quantity of luggage;
- (b) Afford reasonable assistance in loading and unloading;
- (c) Afford reasonable assistance in removing a reasonable amount of luggage to or from the entrance of any house, station or place.

### **Lost Property**

4. (a) The driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left.
- (b) If any property accidentally left in the hire car by any person who may have been conveyed therein is found by or handed to the driver, unless it be sooner claimed by or on behalf of its owner, shall within 48 hours follow the guidance given by the police, which is available at:

<https://www.herts.police.uk/Information-and-services/Advice/Lost-or-found-property/Lost-or-found-property>

### **Receipt of Fare**

5. The driver shall, if requested by the hirer, provide a written receipt for the fare paid.

### **Animals**

6. (a) The driver shall not convey in a hire car any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle;
- (b) Any animal in the custody of any passenger, which in the driver's discretion may be conveyed in the hire car shall only be conveyed in the rear of the vehicle.

### **Prompt Attendance**

7. The driver of a hire car shall, when hired, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

### **Hire of Vehicle**

8. The driver shall not, whilst in charge of a hire car:
  - (a) Offer that vehicle for immediate hire whilst the driver of that vehicle is on a road or other place to which the public have access; or
  - (b) Accept an offer for the immediate hire of that vehicle whilst the driver of that vehicle is on a road or other place to which the public have access, except where such an offer is first communicated to him/her by telephone or by radio from the operator's office to the vehicle. (In this condition "road" means any highway and any other road to which the public have access and includes bridges over which a road passes)

### **Touting and Soliciting**

9. The driver shall not, whilst driving or in charge of the hire car:
  - (a) Tout or solicit any person to hire or to be carried for hire in any hire car;
  - (b) Cause or procure any other person to tout or solicit any person to hire or to be carried for hire in any hire car.

### **Deposit of Hire Car Driver Licence**

10. The proprietor of the hire car shall retain the licence of any driver driving the proprietor's vehicle.

#### **Taximeter**

11. (a) If a hire car is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and paid for the fare.
- (b) The driver of the hire car shall not tamper with or permit any person to tamper with any taximeter or with the seals affixed thereto.
- (c) Hire cars fitted with a taximeter may not operate unless the meter is in working condition and the position of the meter inside the vehicle has been approved by an Authorised Officer.

#### **Fares to be Deemed**

12. The driver shall not demand from the hirer a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter is to be charged. Journeys shall be by the shortest route unless requested otherwise by the hirer.

#### **Change of Address**

13. The driver shall immediately notify the Licensing Office in writing of any change of address during the period of the licence prior to such change taking place.

#### **Change of Operator**

14. The driver shall immediately notify the Council's Licensing Office in writing when he/she changes operators.

#### **Convictions**

15. The driver shall immediately disclose to the Council's Licensing Office in writing details of any conviction imposed on him/her during the period of the licence.

#### **Expiry of Licence**

16. The driver shall upon expiry (without immediate renewal), revocation or suspension of his/her licence forthwith return to the Council the driver's licence issued by the Council

#### **Deceased Persons**

17. A driver who has conveyed the dead body of any person in a hire car shall immediately notify the fact to the Council's Environmental Health Manager.

#### **Tax and Insurance**

18. The driver shall at all times when driving a hire car carry a copy of the licence and these conditions and shall make them available for inspection by an authorised officer or police officer.

#### **Copy of Licence and Conditions**

19. The driver shall at all times when driving a hire car carry a copy of the licence and these conditions and shall make them available for inspection by an authorised officer or police officer.

### **Badges**

20. The driver must:

- (a) Wear his badge in a prominent position where it can be seen at all times.
- (b) The driver shall, upon the expiry (without immediate renewal), revocation or suspension of his/her licence, forthwith return to the Council the driver's badge issued by the Council, the badge remains the property of the Council at all times.

### **Consent of Proprietor**

21. The driver shall not act as the driver of any hire car without the consent of the proprietor thereof.

### **Operators Licence**

22. The driver should ensure that the Operator has a current licence.

### **Conditions**

23. The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

If you are aggrieved by any of the Conditions attached to a licence, you may appeal to a Magistrates' Court within 21 days of the service of this licence upon you (see S.52 and S.77 of the 1976 act and S.300 to 302 of the Public Health Act 1936)

## Schedule F4 – Private hire vehicle licence conditions

**The following are the standard conditions which affix to private hire vehicle licences issued by Dacorum Borough Council:**

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

### **Type of Vehicle**

1. The vehicle must not resemble a London-type taxi or be of such design to lead any person to believe the vehicle is a taxi.

### **Maintenance of Vehicle and Safety Equipment**

2. The proprietor of the vehicle shall:
  - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) Cause the roof or covering to be kept watertight;
  - (c) Provide adequate windows which must be capable of being opened and closed at all times by passengers;
  - (d) Cause the seats to be properly cushioned, covered and kept clean;
  - (e) Cause the floor to be provided with a proper carpet, mats or other suitable floor covering;
  - (f) Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
  - (g) Provide means for securing luggage;
  - (h) Provide external rear view mirrors to be fitted both sides of the vehicle;
  - (i) Provide a heater screen to the rear window of the vehicle which must be kept in working order;
  - (j) Ensure that the wheels (including the spare) are not fitted with remould tyres;
  - (k) Ensure that the wheels (including the spare) are fitted with radial tyres.
  - (l) Provide an efficient vaporising liquid or dry powder fire extinguisher, which shall be carried in such a position as to be readily available for use at all times;
  - (m) Provide a first aid kit, such equipment to be carried in such a position in the vehicle as to be readily available for use at all times (a list of minimum contents will be supplied)
  - (n) Ensure that the vehicle and all its fittings and equipment are at all times, when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with;
  - (o) Ensure that no material alteration or change in specification, design, condition or appearance of

the vehicle are made without the approval of the Council at any time whilst the licence is in force;

- (p) If the vehicle is an estate, a guardrail must be fitted of a type approved by the Council, to separate the rear loading area from the passengers. In the case of hatchback models, it is only necessary to fix a guardrail when the parcel shelf is removed.

### **Identification Plate**

3. The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed to the satisfaction of the Council, on or above the bumper on the outside of the offside rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the proprietor/driver shall not wilfully or negligently conceal it from public view whilst the vehicle is being used for hire.

### **Interior Marking**

4. The interior plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed inside the vehicle, to the satisfaction of the Council, in such a position that it is clearly visible to the passengers while the vehicle is being used for hire.

### **Roof Signs**

5. The proprietor must not fix a roof sign on the vehicle.

### **Notices, Advertisements etc**

6. No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems, badges or any device whatsoever must be displayed on, in or from the vehicle, except as may be required by a statutory provision or the following conditions:
- (a) An identification sign of a maximum size of 30" x 16" showing the name of the firm and/or the company's symbol or badge which must include the words "LICENSED PRIVATE HIRE CAR" must be displayed on the front doors of the vehicle only, subject to an authorised Officer of the Council approving the appropriate size, layout and design and wording prior to them being displayed on the vehicle;
- (Note: The only exemption to this condition will be for vehicles which are being used for executive hire under a contract.)
- (b) There may be displayed inside the vehicle an interior panel measuring 10" x 8" for displaying advertisements, provided it is not illuminated or readily visible outside the vehicles

### **Two Way Radio Equipment and Hands-Free Telephones**

7. The proprietor shall immediately notify the Licensing Office before such equipment is installed in a licensed vehicle, so that the equipment and proposed position can be checked and approved in relation to passenger and driver safety.

### **Driver**

8. The driver shall at all times be clean and respectable in his dress and behave in a civil and orderly manner.

## **Passengers**

9. The driver shall not, when the vehicle is in use:
  - (a) Carry more passengers than the vehicle is licensed to carry (NB: A one-day old child is a passenger);
  - (b) Have more than one passenger in one seat belt;
  - (c) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
  - (d) Place any passenger in danger regarding the use of seat belts or child restraints.

## **Change of Address**

10. The proprietor shall immediately notify the Council in writing of any change of his/her address during the period of the licence that the vehicle is kept.

## **Convictions**

11. The proprietor of the vehicle shall immediately disclose to the Council in writing any conviction imposed on him/her or the driver during the period of the licence.

## **Deposit of the Drivers Licence**

12. If the proprietor of the vehicle permits or employs any other person to drive the vehicle as a hire car, he/she shall, before the person starts to drive the vehicle, cause the driver to deliver to him/her his/her Hire Car Drivers Licence for the retention of until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

## **Copy of Vehicle Licence Conditions**

13. The proprietor shall make sure that he/she or any driver he/she engages or employs carries a copy of the vehicle licence and conditions in the vehicle, and makes them available for inspection by an authorised officer, the hirer or any other passenger on request.

## **Vehicle Fitted with Taximeter**

14. If the licensed vehicle is fitted with a taximeter or other device for recording fares, it must be of a type approved by the Council and the position of the device in the vehicle shall be approved, tested and sealed by an Authorised Officer.

## **Insurance**

15. The proprietor shall at all times be adequately insured to the Council's satisfaction in respect of the use of the vehicle for carrying fare paying passengers and ensure that he/she or any driver he/she engages or employs carries proof that the vehicle is insured and makes it available for inspection by an authorised officer, the hirer or any other passenger on request.

## **Accidents**

16. Any accident to a vehicle must be reported to the Council as soon as possible and, in any case, within 72 hours. A Vehicle Damage Report must be presented to the Licensing Office. **No further hirings may**

**be undertaken until the vehicle has been inspected and approved by an authorised Officer.**

(Note: a vehicle that has been withdrawn from service may require a further mechanical test at the Council's authorised testing station before being allowed to return to service, this depends on the extent of damage. (Any cost to be met by the proprietor))

### **Conditions**

17. The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

If you are aggrieved by any of the Conditions attached to a licence, you may appeal to a Magistrates Court within 21 days of the service of the licence on you. (S.47 and 77 of the 1976 Act and S.300 to 302 of the Public Health Act 1936.)

## Schedule F5 – Private hire operator licence conditions

The following conditions will attach, pursuant to section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all private hire operator’s licences issued by Dacorum Borough Council, unless a specific exemption has been granted by the authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

### 1. Interpretation

(a) In these conditions:

“the Council” means Dacorum Borough Council;

“the Operator” means the holder(s) of the private hire operator’s licence issued by the Council;

“vehicle” means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator.

(b) Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein.

### 2. Records

(a) The records required to be held by the Operator under section 56(2) of the 1976 Act shall be kept in a suitable written or electronic form approved by the Council, and the Operator shall enter therein before the commencement of each journey the following particulars of every booking of a vehicle invited or accepted by the Operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and such record must be maintained for at least one year from the date of the journey:

- (i) The date and time at which the booking was received
- (ii) The date and time of commencement of the proposed journey
- (iii) The name of the hirer
- (iv) The starting point of the journey
- (v) The destination of the journey
- (vi) A unique identifying reference for the vehicle provided to fulfil the booking, with sufficient detail to enable immediate identification of the vehicle from the records
- (vii) A unique identifying reference for the driver of the vehicle provided to fulfil the booking, with sufficient detail to enable immediate identification of the driver from the records
- (viii) If the booking was undertaken at the request of another operator, the name of that operator
- (ix) If the booking was passed to another operator to fulfil, the name of that operator.

(b) The Operator shall keep a record of the following particulars of any vehicle operated by him, and such record must be maintained for at least one year from the cessation of operation of the vehicle:

- (i) The registration number of the vehicle
- (ii) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- (iii) The make and model of the vehicle
- (iv) The name and address of the proprietor(s) of the vehicle

- (v) The number of passengers permitted to be carried in the vehicle, as shown on the licence
  - (vi) The start and expiry dates of the vehicle's licence issued by the Council
  - (vii) The date on which the vehicle was added to the operator's fleet
  - (viii) The date on which the vehicle was withdrawn from the operator's fleet.
- (c) The Operator shall keep a record of the following particulars of all licensed drivers engaged/employed to drive any vehicle operated by him, and such record must be maintained for at least one year from the cessation of the engagement:
- (i) The full names of the driver
  - (ii) The permanent address of the driver
  - (iii) The drivers date of birth
  - (iv) The drivers licence (badge) number
  - (v) The start and expiry dates of the driver's licence issued by the Council
  - (vi) The dates the driver's engagement/employment was commenced and terminated.
- (d) Drivers and vehicles must have their own unique allocated records which are not overwritten or disposed of if the driver or vehicle is no longer used by the operator.
- (e) The Operator shall produce all or any of the records specified in this condition for inspection on request to an authorised Council officer or a constable.

### **3. Use of licensed vehicles and drivers**

- (a) The Operator shall not invite or accept bookings for private hire work for any vehicle which is not currently licensed by the Council for such work.
- (b) The Operator shall not employ or engage, whether directly or indirectly, any driver to drive any vehicle operated by him unless the driver holds a valid private hire or hackney carriage driver's licence (as applicable) issued by the Council.
- (c) The Operator shall notify the Council upon the commencement or cessation of operation of a vehicle, or the employment/engagement or termination of a driver, within 7 days of such an event.

### **4. Vehicles**

- (a) The Operator shall ensure that any vehicle he operates is in a suitable mechanical condition, safe, comfortable, clean and presentable, and that the licence plates provided by the Council are affixed to the vehicle in the manner and position stipulated in the conditions applied to the vehicle's licence.
- (b) The Operator shall ensure that any vehicle he operates displays door signs of a design approved by the Council bearing the name and contact details of the Operator, in the position stipulated in the conditions applied to the vehicle's licence.
- (c) The operator shall immediately notify the Council of any damage sustained by a vehicle operated by him.

### **5. Passengers**

The Operator shall ensure that bookings are fulfilled by licensed vehicles with sufficient capacity to carry all members of the hirer's group, as advised at the time of booking.

## 6. **Standard of Service**

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and in particular shall:

- (a) Ensure that when a vehicle has been hired to be in attendance at the agreed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) Publish a complaints handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council officers upon request;
- (c) Keep any facilities provided to the public for the purpose of making bookings or waiting, clean, adequately heated, ventilated and lit;
- (d) Ensure that any waiting area provided by the operator has adequate seating facilities;
- (e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

## 7. **Display and availability of licence**

- (a) A copy of the private hire operator's licence issued by the Council shall be displayed in a prominent position where visible by the public, at every booking office maintained by the Operator which is accessible by members of the public. The licence, or a copy thereof, shall be produced for inspection on request to an authorised Council officer or a constable.
- (b) A copy of the private hire operator's licence issued by the Council shall be kept securely at any location at which, by virtue of the licence, bookings may be accepted or invited but to which members of the public do not have access, and shall produce the licence, or a copy thereof, for inspection on request to an authorised Council officer or a constable.

## 8. **Change of Address**

The Operator shall notify the Council in writing, within 7 days, of any change to an address shown on the licence (including any address from which the Operator conducts his business as an operator) during the period of the licence.

## 9. **Convictions, cautions, insolvency and disqualification**

The Operator shall notify the Council in writing, within 7 days, if he is convicted or receives a caution for any criminal offence, or if he is declared insolvent, or if he is disqualified as a company director (or if the operator is a company or partnership, on conviction, caution, insolvency or disqualification of any of the directors or partners) during the period of the licence.

## 10. **Limited company directors**

*The following condition applies only where the operator's licence is issued to and held by a limited company:*

The Operator shall notify the Council within 21 days in the event of:

- (a) The termination of appointment of a director of the limited company;
- (b) The appointment of a new director of the limited company; or
- (c) The liquidation or dissolution of the company, or the appointment of administrators.

Where the Operator notifies the Council under sub-paragraph b., a basic disclosure issued in the name of the new director no earlier than 3 months prior to the date of notification, shall be provided to the Council at the earliest opportunity, and in any event no later than 2 months after notification.

#### **11. Small operators**

*The following condition applies to operators granted a licence under the small operator provisions only:*

The operator shall be responsible for the invitation and acceptance of bookings for no more than 3 vehicles at any time. Where three vehicles are currently operated, a vehicle must be removed prior to the addition of a new vehicle to the operator's fleet.

#### **12. Conditions**

The Council reserves the right to vary, delete or waive any of the foregoing Conditions

Applicants aggrieved by any of the Conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with sections 55 and 77 of the 1976 Act, and sections 300 to 302 of the Public Health Act 1936.

# Annexes

## Annex A - Guidance on suitability of applicants

### Introduction

Much of this guidance follows the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018, with some local modification where existing standards were higher, or additional clarification was deemed to be helpful.

When submitting an application for a licence (new or renewal) under this policy, applicants are required to declare all previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any ongoing criminal investigations, prosecutions, or similar legal proceedings of which they are the subject.

Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions will be considered by the Council.

All Applicants/Licensees are required to obtain an Enhanced DBS Certificate with Barred Lists checks and to provide this to the Licensing Authority, the initial certificate must be obtained through Dacorum Borough Council; certificates obtained through other authorities will not be accepted. All Licensees are also required to maintain their Certificates through the DBS Update Service throughout the currency of their licence. In addition to this, requests will be sent to the police, following the requirements of the Data protection Act 2018, to obtain any information that may be relevant when determining an application.

If any applicant has, from the age of 10 years, spent 3 continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period is required. This will normally be in the form of a 'Certificate of Good Conduct' issued through the relevant embassy or consulate, which details any convictions or other matters arising against the applicant while resident in that country. It is the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate bodies as to their conduct in the country.

Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

On application to renew a licence, the Council may consider it necessary to review convictions considered on the previous application if the Council has reviewed its policy on such convictions. In cases where new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.

All licence holders are required to inform the relevant council in writing within 3 days if they are arrested, formally interviewed as a suspect or charged with an offence by the Police. This is to allow the Council to be aware of any public safety concerns and to take appropriate action. Failing to notify the Council is likely to result in more severe enforcement action (where the issue in itself does not lead to revocation and or prosecution).

Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council

will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

These guidelines do not replace the duty of the Council to refuse to grant a licence where it is not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

## **Drivers**

As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

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

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

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

### **Crimes resulting in death**

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

### **Exploitation**

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

### **Offences involving violence**

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

### **Possession of a weapon**

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

### **Sex and indecency offences**

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

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list. Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

### Dishonesty

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

### Drugs

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

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

### Discrimination

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

### Motoring convictions

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

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

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

### Other motoring offences

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

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

#### Hackney carriage and private hire offences

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

#### Vehicle use offences

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

#### **Private Hire Operators**

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

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

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

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

#### **Vehicle proprietors**

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

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

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

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

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



## Annex C – Contact details

For information on this statement of licensing policy, or for informal advice on making an application or whether a particular activity is likely to require authorisation, please contact:

**Licensing  
Dacorum Borough Council  
The Forum  
Marlowes  
Hemel Hempstead  
HP1 1DN**

Phone: **01442 228000**  
Email: **licensing@dacorum.gov.uk**  
Web: **www.dacorum.gov.uk/licensing**

Many application forms for licences are available from our website, at **www.dacorum.gov.uk/licensing**

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes. When the Council answers enquiries, the answers will be based on the Council's position at that time, following current interpretation of the legislation and relevant guidance, as well as any current case law. We cannot enter into discussions about complex or specialised proposals, nor are we able to give legal advice. Any such discussions or communications will be on a without prejudice basis.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

To make an application or for further guidance, please visit our website:  
[www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

For informal advice or queries, please email:  
[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)

**Taxi policy consultation responses (as received)**

1.

**From:** *[redacted]*

**Sent:** 12 October 2020 16:41

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** NEWPROPOSED CHANGES TO POLICY TAXI & PRIATE HIE

these CHANGES SEEM VERY APPROPRIATE AND IN LINE WITH safeguarding AND SAFETY FOR THE PUBLIC

2.

**From:** *[redacted]*

**Sent:** 08 October 2020 16:22

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** New policy

Hi

I have read the policy update and would like to know that all License Holders details are reviewed minimum annually to check Criminal database for changes and updates.

This is to avoid oversights and mistakes.

Regards

*[redacted]*

3.

**From:** *[redacted]*

**Sent:** 08 October 2020 12:26

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Comments taxi license

I like the changes.

I would suggest a way to register each customer and fare so the correct income tax is paid and to hold radio license holders responsible if on average the drivers a not earning at least minimum wage after reasonable expenses.

Exploitation and tax evasion should not be rewarded with greater market share.

4.

From: *[redacted]*

Sent: 06 October 2020 21:57

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Have your say on our draft taxi and private hire licensing policy

In my opinion the use of saloon cars should be phased out and black cabs should be encouraged, this is more disabled friendly and would be safer because every one knows a black cab.

5.

**From:** Sue Prowse <Susan.Prowse@dacorum.gov.uk>

**Sent:** 06 October 2020 12:49

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Taxi and private hire licensing policy consultation

Hi

A few comments on your proposed policy:

- I strongly agree with your proposed changes to DBS requirements and removal of temporary licences, both of which will help to maintain high standards and ensure user safety.
- Anecdotally, many of Dacorum's private hire drivers seem to be from Pakistani/Bangladeshi backgrounds, so may have poor written English skills. It is therefore essential that the proposed changes are communicated very clearly, particularly in the first year and to all new applicants, to ensure that drivers do not face adverse consequences i.e. loss of income due to failure to renew in good time.
- A communication strategy should be developed that encompasses a wide variety of forums that will reach drivers from BAME backgrounds (e.g. publicising via the Mosque or any other venues likely to be frequented by private hire drivers with English as a second language.) Also use of translation services to produce the information in other languages.
- The whole of section 1 of the policy seems to have been lifted from a planning document and doesn't really seem very relevant to taxi/private hire licensing.

Thank you

Sue Prowse

6.

**From:** [redacted]

**Sent:** 06 October 2020 12:27

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Fw: Have your say on our draft taxi and private hire licensing policy

Good Afternoon,

I have reviewed Dacorum Council's taxi and private hire licensing policy. I am a Dacorum resident who uses taxi and private hire services and the changes to the policy, in my opinion, make good

sense. The changes will make licensing easier for taxi and private hire service operators. I would imagine that they, and all users would be in favour of the changes.

Kind Regards,

**[redacted]**

7.

**From: [redacted]**

**Sent:** 06 October 2020 12:02

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Draft taxi and private hire licensing policy

Hello,

Thank you for sending me the draft of this policy.

From time to time the media reports on taxi or private hire drivers refusing to take guide dogs in their vehicles, despite this being a legal requirement. Sometimes the drivers concerned are fined and/or lose their licence, sometimes apparently not; and these are only the cases reported in the media.

Are you confident that your draft policy addresses this issue to the extent that the law allows ?

For example, the draft says at 24.5

*"All applicants for an operator's licence will be required to pass disability awareness training before a licence will be granted."*

Does this training include very clear and precise information on the legal requirement to accept guide dogs ? If not it should.

And at 24.14

*"Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time."*

Presumably this would include complaints regarding refusal to accept a dog. Even one such complaint, if validated, should in my view be taken into account. To make this entirely clear I propose that the section start *"Where one or more previous complaints ..."*.

I would appreciate your acknowledgement of safe receipt of this email.

Yours faithfully, **[redacted]**

Kings Langley

8.

**From:** [redacted]

**Sent:** 05 October 2020 16:36

**To:** Nathan March <Nathan.March@dacorum.gov.uk>

**Subject:** RE: New draft Taxi Licensing policy

Nathan,

Thank you for sending us your proposed policy.

I have had a look through and I can find nothing that I think we in Trading Standards would object to.

Neil

**Neil Wickens**

**Senior Trading Standards Officer | Regulatory Services | Community**

**Protection**

**Hertfordshire County Council**

9.

**From:** [redacted]

**Sent:** 04 January 2021 07:28

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Cc:** Nathan March <Nathan.March@dacorum.gov.uk>

**Subject:** What time exactly does consultation end today?

Dear Mr March,

I am getting in touch to ask what time does the consultation for proposed changes to Taxi/Private Hire Rules ends today?

Does it end at the end of today, the 4th January 2021 or did it end at the beginning of today?

In any case, with everything that has happened during the Covid 19 outbreak and its obvious the outbreak and its biggest consequences are bound to last into the summer months of 2021 at least, I feel that the whole proposed changes should be put on hold and delayed from being considered/voted on by Dacorum Borough Council's licensing committee.

I think these proposed changes should not be looked at/voted on until the Covid outbreak is well and truly under control and that we all have had a good amount of time returning to normality.

With there being over 70 pages to look at on these proposed changes, they are too vast to have been looked at during this outbreak even with the 3 and a half month consultation process.

I have only had a smartphone for internet use myself and while I was able to respond to one part of the proposed changes, it was just not generally feasible for me to respond at the rest of the changes.

I do have numerous concerns about the proposals I did get to look at and councillors need to be aware of lots of things from a drivers side of things.

If the consultation does end at 23.59 today, I will see if I can get round to submitting more responses about the proposals by then but its generally been very difficult to respond further for various reasons.

I doubt very much that the Central Government will pass legislation on these kind of matters anytime soon either.

The whole reports and suggestions of making changes to Taxi/Private Hire rules were drawn up before the Covid 19 outbreak afterall.

Yours sincerely,

**[redacted]**

Badge Number **[redacted]**

10. (Signed by 115 licensees)

CENTRAL ADMIN

01 DEC 2020

**RESPONSE TO DACORUM CONSULTATION**

**The undersigned all agree the following matters and collectively make these points in opposition to the proposed policy**

1. The timing of this policy, during a pandemic and at a time when licensing will be aware that Taxi/Private Hire Drivers and Operators have been substantially hit shows a lack of empathy and/or is in poor faith;
2. The impact of Covid-19 on everyone's lives have been enormous and not only are many suffering from financial problems but family problems, loss of friends and family and mental health problems are only amongst some of the concerns all are presently engaged with. These factors and material considerations are relevant when asking one to engage in a new policy that will materially change the working methodology for many;
3. It is said that any amendments to the existing policy should be delayed for a substantial period to allow normality to resume and for various interested parties to be able to seek independent advice and/or to do so when their health is better and they have fully recovered.
4. Para 2.4 (b) is opposed – any new policy should be clear. Certainly so, when dealing with enforcement, legal proceedings and any ambiguity shall always be avoided. The policy should have readily identified breaches and the approach to enforcement should be consistent, by following a written policy. Para 2.5 allows freedom for officers to depart from the Policy and to do so would be unreasonable and inconsistent.
5. Para 5.3 – amend to require the council to write to the Applicant re missing information and if no response within 14 days then rejected.
6. Para 5.5 is otiose and unreasonable. If someone has properly declared all matters and has been granted a driver's licence then the option to suspend/revoke is wholly unnecessary.
7. Para 5.6 should ensure that the licence holder has the right to make representations as they deem suitable, whether in writing or orally, directly or using legal representation
8. Para 5.8 and 5.9 is wholly unreasonable. Any licence holder can only make the application at the time stated and requested. If matters such as DBS take longer than envisaged then the licence holder can't be held to be responsible and he shouldn't be penalised for the responsibility of the external department or Council. There should be a requirement to ensure that all licences are renewed by a xxdays before the expiry and once done the licence would remain valid until the application has been disposed of. If matters are delayed then the council can issue a temporary licence until such time that the application has been dealt with.
9. Para 4.2 is wholly unreasonable. There is no justification for a 5 years prohibition. Rather the Rehabilitation of Offenders Act 1974 sets out when criminal convictions will be counted until and thereafter a applicant should be able to make an application. If the

decision to revoke/refuse has been upheld by a Court then a prohibition period of 1-2 years may be deemed to be reasonable (depending on the circumstances). Contradiction to para 13.5.

10. Para 4.4 should only apply if charged. An arrest and release are immaterial, and any action taken would contravene basic principles.
11. Para 7.4 should be permitted and a designated percentage of vehicles should be wheelchair accessible as at 7.3 rather than all the HC.
12. Page 14 (Para 7.7) – there is a suggestion that no consideration would be given to other means of disposal, including warnings etc (as set out in para 6.3 – page 12) and will only be applicable after conviction.
13. Para 7.18 – the timeframe should be reduced to once a year and/or on written request. On written request will deal with the possibility of complaint whereas the once a year will deal adequately with safety and the costs of the exercise to do so (at no increase in fares) are proportionality balanced.
14. Para 7.21 should also include all possibilities as set out at para 6.3
15. Para 8.4 is illogical and will be the cause of dispute – if a fare is agreed prior to the commencement of the journey then what is the purpose of the meter? If a HC carries out work as a PH then the fare will in the main be agreed and both driver and customer will know what the fare is.
16. Taxi Demand tests should also be part of the formula so assessments can be made for the number of HC plates issued.
17. Fit and Proper – should not allow the licensing authority to revisit previous decisions and apply the same retrospectively. All applicants that have been previously granted licences should be granted licences and only on their being new material should the test be applied.
18. Section 11 (page 24) – knowledge tests should only be required for new applicants.
19. Completely ignores technology and that geographic knowledge is not required.
20. 11.3 – If the Applicant can show that they meet the minimum requirement through previously conducted tests (for example entry to the UK or GCSE's etc) then these certificates should be satisfactory and there being no need for further versant tests. The highway code testing is carried out when passing the driving test.
21. 11.4 identification of suitable Safeguarding and Disability training should be provided from various providers allowing consistency.
22. 11.8 Is unduly harsh and a prohibition of this length is disproportionate.

23. 12.2 – unnecessary inhibition – the law says 12 months and there is no evidence that 36 months better's safety.
24. 13.3 – as relevant to the present licence held rather than all previous licences. If an Applicant has been granted determining the Applicant as fit and proper and there are no changes in the duration of the presently held licence then there is no reason for an alternate position to be adopted and to do so is perverse.
25. 13.4 Only until they are unspent – with points being awarded for infractions the consideration of these matters should only apply during that timeframe and not for infinity.
26. NR3 should be removed on death.
27. 16.11 is unreasonable – how would the drivers know whether it is going to take longer than a minute to or not when commencing the boarding or alighting.
28. Section 18 - the trade recognise the importance of global climate change and support such a approach, however the timing amidst a pandemic and lockdowns is unreasonable and to expect many to spend thousands in replacement vehicles during such a time is unreasonable. This should be deferred until such time that the situation has improved and certainty leads to 'normality' in the markets/trade.
29. The government have set a longer period to ensure all vehicles are electric/hybrid than that proposed at para 18.4 and the policy should reflect and be amended to the government standards allowing for further time for normality and changes to be implemented.
30. Para 18.7 should be amended to reflect no new changes are required for a substantial period of time for renewals, Whereas new applicants after xx should be required to comply, such a phased journey is much more proportionate.
31. HC vehicles will not require hats (roof signs) to be worn when not working – this is to ensure that potential passengers don't attempt to get into the vehicle when it is off duty. However, if working it must wear its hats and failure to do so is an offence.
32. Annex A is disproportionate.

11.

**From:** [redacted]

**Sent:** 09 December 2020 22:05

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Views on Draft Policy - [redacted]

To whom it may concern,

From reviewing the draft policy, I do not agree with chapter 18 and all the sub points contained within the chapter.

The main reason for this view is people have struggled to earn a living during this pandemic hence it may be unrealistic to achieve the goals outlined. My main concern is drivers may not be able to purchase new vehicles that abide by the proposed changes therefore, will make them jobless.

Kind Regards

[redacted]

12.

**From:** [redacted]

**Sent:** 09 December 2020 21:57

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** FW: taxis-policy

To whom it may concern

I am writing to discuss the proposed changes to the taxi licencing policy.

I have worked as a Hackney carriage driver in dacorum borough council for the past 13years. During the past 5years work has decreased substantially for number of reasons.

1 the taxi rank was moved to the back of town, which made it less accessible which resulted to a decrease in trade

2 uber working illegally in dacorum borough breaking bylaws and other trading laws

3 unlicensed vehicles in the area stealing trade

4 covid 19 pandemic has destroyed whatever little trade that was left.

During the lockdown back in March i wasn't able to work at all for that period of 4 month's. Since returning to work even after doing 12hrs shift i can barely make £30 which as u can imagine is well below the minimum wage. Yet our Bill's,expenses and all other responsibilities still remain but earnings are at an all time low.

With these issues raised above and taking that into account i object to the clauses 18.1 to 18.8 on the following reasons.

Clause 18.2 vehicles must meet or exceed Euro 5 emissions standards from 01/04/2021 vehicles must meet or exceed Euro 6 emissions standards at first application .with the current situation it is not financially viable to be able to buy a new car.

Further more by 01/04/2023 i am expected to buy onother car which must meet or exceed Euro 6 emissions ( clause 18.3) which would mean even more expense which i cannot afford.

Clause 18.4 aims for all vehicles to be electric by 2025 which again would require for me to buy onother again which financially is not viable.

I do appreciate that climate change is an important issue and it does need to be tackled but however given the current economical situation the proposed policy changes are financially not viable. Myself and many drivers will not be able to upgrade our vehicles to meet the required specifications that is suggested. Many people will lose their livelihoods due to this policy changes. The council should be supporting the taxi driver's through these very uncertain and difficult time's, instead of proposing new changes which will have huge impact on job's being lost.

Clause 18.5 suggests that taxi can be modified to meet the emissions standards to which i have not found a company which would be able to offer this service. Biofuel is only available for commercial trades this does not include taxi driver's.

We URGE the council committee not to implement this policy especially in the current situation. I feel that this policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours faithfully

**[redacted]**

(Badge number **[redacted]**)

**13.**

**From: [redacted]**

**Sent:** 09 December 2020 12:03

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Taxi Policy Changes

Dear Licensing Policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially section 18.1 to 18.8

I'm a hackney carriage driver of 20 years and in the last 5 years our work has decreased due to:

1. The town rank having moved to cause major issues with the trade.
2. Unlicensed vehicles working in the area.
3. Uber working illegally in our borough breaking all the bylaws and many other laws of the trade
4. Coronavirus pandemic has destroyed the trade.

During this pandemic, our trade has gone down during the lockdown and to this present date, we are operating 12 hours shift with a maximum earning of around 30 to 40 pounds. With our earnings being so low, we still have expenditures like insurance, fuel, wear, and tear, etc. On top of that, we have families to feed rents, electricity, gas, and so on.

Taking into account all the above, the reasons for the objection to clauses 18.1 to 18.8 are:

1. Financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned, furthermore, for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to an electric vehicle which would cost another 20k plus. So therefore this proposal does not make any sense to implement. It feels like the council is trying to dismantle the trade. Many drivers will be unable to afford to upgrade their taxis leading to many drivers being jobless. There are approximately 450 drivers in the borough and this policy especially clause 18.1 to 18.8 will be detrimental to their trade and will cause a majority of the drivers to become jobless as they will not be able to afford to upgrade their vehicles.

Clause 18.5 suggests that a taxi can be modified to meet the emissions standards but finding a company that carries out the conversion is not as easy as it sounds. Secondly, the other alternative is to use biofuel which is unavailable to the general public and is only available to commercial trade like trucks and not for taxi drivers. Also, there is no place to buy it.

We URGE the council committee not to implement this policy, especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation improves.

Yours sincerely

**[redacted]**

**[redacted]**

**14.**

**From: [redacted]**

**Sent:** 08 December 2020 22:06

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Licensing Policy Changes

To Whom It May Concern,

I am writing to discuss the proposed changes to the taxi licensing policy.

I have worked as a hackney carriage driver in Dacorum Borough council for the past 21 years. During the past 5 years work has substantially decreased for a number of reasons;

1. The town rank was moved to the back of town, making it less accessible, resulting in a decrease in trade.
2. Unlicensed vehicles working in the area and stealing trade
3. Uber working illegally in Dacorum Borough, breaking all the bylaws and many other trading laws.
4. Covid-19 pandemic has destroyed what little trade was left. During the 4 month lockdown period, from the 26th March I was unable to work at all. On my return to work, I have been unable to earn a more than £30 after a 12 hour shift. Which in the current climate is below minimum wage. Whilst the earnings are at an all time low; the bills, expenditure and responsibilities remain.

Taking the above into account, I objection to clauses 18.1 to 18.8 for the following reasons:

Clause 18.2 states “Vehicles must meet or exceed Euro 5 emissions standards (From 01/04/2021 vehicles must meet or exceed Euro 6 emissions standards at first application.)” Currently, I cannot afford to buy a new car, which would cost approximately between 12k - 16k - this is more than I have earned this year.

Further to this, I am then expected to buy another car by 01/04/2023 which must “meet or exceed Euro 6 emissions standards” as per clause 18.3. Which would be a further £20 000 expense which I cannot afford. Clause 18.4 aims for all vehicles to be electric by 2025, which once again would require me to buy another car. I do appreciate that climate change is an important issue and should be tackled. However, the proposed policy changes here are not financially viable in the current economical situation. Many drivers, including myself, will not be able to afford to upgrade their vehicles to meet the required specification suggested. This policy change will result in the loss of jobs as people will be unable to meet these requirements. I believe the council should be supporting the taxi drivers through this difficult year instead of proposing changes that will result in the loss of many jobs.

Clause 18.5 suggests that a taxi can be modified to meet the emissions standards but I have not found a company which would be able to offer this service. Biofuel is only available for commercial trades this does not include taxi drivers.

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours Faithfully,

**[redacted]**

(Badge number: HD **[redacted]**)

15.

**From:** **[redacted]**

**Sent:** 05 December 2020 21:34

**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>

**Subject:** Taxi and Private Hire Licensing Policy

## **Strong Emissions Policy**

As much as I support the ideology behind this I think your planned implementation is far too rapid.

At this moment in time there are very few models of hybrid and electric cars on the market that are suitable for our industry. You may or may not realise that your licenced drivers do not buy brand new cars. Therefore the number of second-hand suitable vehicles are in even scarcer supply. At this stage we are still in the dark as to the practicality of buying a used hybrid or electric car as the cost to replace the batteries can be £5k to £6k and therefore might also be a negative to buying a used car. If we elected to buy an electric car I only know of 2 charging points in the car park in Wood Lane End. How long would we all be queueing for to use them? Drivers without their own driveway in their house may be able to charge their electric car at home if they bought one now but what about the rest of us who can't even find a place to park in the road we live in?

The result of all this is either drivers getting licenced by other boroughs or leaving the industry all together resulting in an increase in vehicles licenced by the likes of Uber operating in our borough.

I should also point out that hybrid and electric cars are currently being targeted by thieves who steal the catalytic converters.

Finally I should point out the bad press the council would get if this was forced through while the majority of council vehicles are no doubt still running on diesel.

The Government has set more realistic targets for the replacement of our fossil burning vehicles. I see no reason that you shouldn't put in your policy that you will not renew any vehicle one calendar year before the deadline the Government has stated giving all current and future drivers plenty of prior notice in order they can plan to purchased the required vehicle in good time.

I hope this is helpful.

Regards

**[redacted]**

Sent from [Mail](#) for Windows 10

**16.**

From: **[redacted]**

Sent: 01 December 2020 16:32

To: Nathan March <Nathan.March@dacorum.gov.uk>

Subject:

Dear nathan

I am writing on behalf of **[redacted]**.

As you are aware of the taxi policy currently being reviewed. We the committee have signed a petition collectively. We have 115 drivers that have signed it and we have 32 points of objection to the policy. I have attached the objections and hope that this will be shown in the review i have emailed the policy Committee and we have forwarded it to you aswell. Many thanks **[redacted]**

. I have also posted it so that u have a hard copy in the forum

**17**

**From: [redacted]**

**Sent:** 01 December 2020 16:32

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:**

Dear licensing policy Committee

I am writing on behalf of **[redacted]**

. Before we have outlined 32 objections and we have signed a petition collectively in these points in opposition to the proposed policy. Please accept this from all the drivers that have signed.

Due to thr corona virus not all drivers have been working and we have been unable to get hold of all the drivers. I have attached the petition. Thanks **[redacted]**

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## RESPONSE TO DACORUM CONSULTATION

The undersigned all agree the following matters and collectively make these points in opposition to the proposed policy

1. The timing of this policy, during a pandemic and at a time when licensing will be aware that Taxi/Private Hire Drivers and Operators have been substantially hit shows a lack of empathy and/or is in poor faith;
2. The impact of Covid-19 on everyone's lives have been enormous and not only are many suffering from financial problems but family problems, loss of friends and family and mental health problems are only amongst some of the concerns all are presently engaged with. These factors and material considerations are relevant when asking one to engage in a new policy that will materially change the working methodology for many.
3. It is said that any amendments to the existing policy should be delayed for a substantial period to allow normality to resume and for various interested parties to be able to seek independent advice and/or to do so when their health is better and they have fully recovered.
4. Para 2.4 (b) is opposed – any new policy should be clear. Certainly so, when dealing with enforcement, legal proceedings and any ambiguity shall always be avoided. The policy should have readily identified breaches and the approach to enforcement should be consistent, by following a written policy. Para 2.5 allows freedom for officers to depart from the Policy and to do so would be unreasonable and inconsistent.
5. Para 5.3 – amend to require the council to write to the Applicant re missing information and if no response within 14 days then rejected.
6. Para 5.5 is otiose and unreasonable. If someone has properly declared all matters and has been granted a driver's licence then the option to suspend/revoke is wholly unnecessary.
7. Para 5.6 should ensure that the licence holder has the right to make representations as they deem suitable, whether in writing or orally, directly or using legal representation
8. Para 5.8 and 5.9 is wholly unreasonable. Any licence holder can only make the application at the time stated and requested. If matters such as DBS take longer than envisaged then the licence holder cant be held to be responsible and he shouldn't be penalised for the responsibility of the external department or Council. There should be a requirement to ensure that all licences are renewed by a xxdays before the expiry and once done the licence would remain valid until the application has been disposed of. If matters are delayed then the council can issue a temporary licence until such time that the application has been dealt with.
9. Para 4.2 is wholly unreasonable. There is no justification for a 5 years prohibition. Rather the Rehabilitation of Offenders Act 1974 sets out when criminal convictions will be counted until and thereafter a applicant should be able to make an application. If the

decision to revoke/refuse has been upheld by a Court then a prohibition period of 1-2 years may be deemed to be reasonable (depending on the circumstances). Contradiction to para 13.5.

10. Para 4.4 should only apply if charged. An arrest and release are immaterial, and any action taken would contravene basic principles.
11. Para 7.4 should be permitted and a designated percentage of vehicles should be wheelchair accessible as at 7.3 rather than all the HC.
12. Page 14 (Para 7.7) – there is a suggestion that no consideration would be given to other means of disposal, including warnings etc (as set out in para 6.3 – page 12) and will only be applicable after conviction.
13. Para 7.18 – the timeframe should be reduced to once a year and/or on written request. On written request will deal with the possibility of complaint whereas the once a year will deal adequately with safety and the costs of the exercise to do so (at no increase in fares) are proportionality balanced.
14. Para 7.21 should also include all possibilities as set out at para 6.3
15. Para 8.4 is illogical and will be the cause of dispute – if a fare is agreed prior to the commencement of the journey then what is the purpose of the meter? If a HC carries out work as a PH then the fare will in the main be agreed and both driver and customer will know what the fare is.
16. Taxi Demand tests should also be part of the formula so assessments can be made for the number of HC plates issued.
17. Fit and Proper – should not allow the licensing authority to revisit previous decisions and apply the same retrospectively. All applicants that have been previously granted licences should be granted licences and only on their being new material should the test be applied.
18. Section 11 (page 24) – knowledge tests should only be required for new applicants.
19. Completely ignores technology and that geographic knowledge is not required.
20. 11.3 – If the Applicant can show that they meet the minimum requirement through previously conducted tests (for example entry to the UK or GCSE's etc) then these certificates should be satisfactory and there being no need for further versant tests. The highway code testing is carried out when passing the driving test.
21. 11.4 identification of suitable Safeguarding and Disability training should be provided from various providers allowing consistency.
22. 11.8 Is unduly harsh and a prohibition of this length is disproportionate.

23. 12.2 – unnecessary inhibition – the law says 12 months and there is no evidence that 36 months better's safety.
24. 13.3 – as relevant to the present licence held rather than all previous licences. If an Applicant has been granted determining the Applicant as fit and proper and there are no changes in the duration of the presently held licence then there is no reason for an alternate position to be adopted and to do so is perverse.
25. 13.4 Only until they are unspent – with points being awarded for infractions the consideration of these matters should only apply during that timeframe and not for infinity.
26. NR3 should be removed on death.
27. 16.11 is unreasonable – how would the drivers know whether it is going to take longer than a minute to or not when commencing the boarding or alighting.
28. Section 18 - the trade recognise the importance of global climate change and support such a approach, however the timing amidst a pandemic and lockdowns is unreasonable and to expect many to spend thousands in replacement vehicles during such a time is unreasonable. This should be deferred until such time that the situation has improved and certainty leads to 'normality' in the markets/trade.
29. The government have set a longer period to ensure all vehicles are electric/hybrid than that proposed at para 18.4 and the policy should reflect and be amended to the government standards allowing for further time for normality and changes to be implemented.
30. Para 18.7 should be amended to reflect no new changes are required for a substantial period of time for renewals, Whereas new applicants after xx should be required to comply, such a phased journey is much more proportionate.
31. HC vehicles will not require hats (roof signs) to be worn when not working – this is to ensure that potential passengers don't attempt to get into the vehicle when it is off duty. However, if working it must wear its hats and failure to do so is an offence.
32. Annex A is disproportionate.

18.

From: *[redacted]*

Sent: 01 December 2020 14:46

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Changes to licensing policy

To whom it may concern I am a licensed taxi driver in Dacorum and have been for the last 20 years.

I am very concerned that the council has decided to do this policy review during a pandemic making it very difficult for the trade to object.

I would also like to bring to your attention the decimation of the the taxi trade in Dacorum due to the freedom of Uber drivers Able to work within decorum unchallenged has led to a huge drop in trade for the Dacorum taxi trade.

I think it would be inappropriate to force the trade to replace there fleet with electric vehicles without an impact assessment. I somehow feel there won't be much of a trade left if you go ahead with this policy changes .

at present drivers are all on their knees financially and had no support from the local borough it seems to be they want to do everything they can to make it more difficult for very honest drivers to make a living.

I understand These policy changes are to do with the environment and public safety and both points are very important but I also believe an impact Assessment on the taxi trade in Dacorum is a important part And well overdue. You Cannot continue to change policies without looking at the impact on the trade and whether this is sustainable Thanking you **[redacted]**

AaronDale Cars

**19.**

From: **[redacted]**

Sent: 29 November 2020 20:00

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Fw: Re- Taxi's green by 2025

Good morning,

I don't agree to the proposal to make all taxi vehicles electric or hybrid standard by 2025. I feel this is an impossible task to meet, I have been a Hackney driver for at least 10 years. My income has reduced significantly due to the move of the town rank, Uber are also illegally working in the town, unlicensed vehicles working in the town. and because of the Corona pandemic my income has virtually been reduced to zero. Our customers use our service as a luxury not necessity, our customers are also working from and have been made redundant. Business may not improve next year. I therefore do not foresee how I will afford to buy an electric or hybrid car anytime in the future.

I do not agree with other proposals the council want to introduce, we are all experienced drivers and all know the rules and policy guidelines.

In these difficult circumstances we need more help and support from the council and licensing department and not more pressure.

Kind regards.

**[redacted]**

**20.**

From: **[redacted]**

Sent: 27 November 2020 09:31

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Fwd: Taxi licensing

**[redacted]**

Dacorum Borough Council.

The Taxi Licensing,

Dear sir/ madam,

I am writing to you regarding the Taxi Policy that has been set out for next year April 2021 to buy a new specific year of car as for public safety and potential risks associated with taxi.

Unfortunately I won't be able to afford to buy a new car at the moment . As you are aware that due to the Covid-19 Pandemic this year, we have lost our job by 90% as public avoid traveling in public transport.

Moreover it's been unfair for us as the other Licensing operators using Hemel Hempstead and for us Taxi Drivers making jobless.

Additionally, I do not think the environment will be affected by us Taxi drivers since there are many private vehicles, buses,lorries and delivery vehicles in Hemel Hempstead are much older in year than the taxi cars we use which will cause more carbon emissions to the environment.

I urge you to look into this matter again by giving us a relief by a year or two until we build up our lives and settle ones the pandemic over.

Many thanks!

Yours Sincerely,

**[redacted]**

**21.**

**From: [redacted]**

**Sent:** 13 November 2020 10:09

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** My views on the changes of the licensing policy

To the Licensing Team,

I, **[redacted]**, plate no: **[redacted]** am writing to you this email regarding about the Taxi Policy that has been set out for next year April 2021. In my point of view, I think we will not be able to afford to buy the new specific year of car as for public safety and potential risks associated with taxi.

The reason for this is that, due to the Covid-19 Pandemic this year, we have lost our job by 80% as customers avoid to use our cars when we are by the Taxi Ranks.

As you are aware, there are many other licensing operator drivers, such as London PCO, Uber, Three Rivers for example who come into Hemel Hempstead and pick customers of their choice. By doing so, we do not have any hires at all and many cars are in parked position by the Taxi Ranks.

Moreover, I do not think the environment will be affected by us drivers since there are many delivery drivers around Hemel Hempstead such as Amazon, Hermes, DX, DPD etc. Where as their vehicles are much older in year than the taxi cars we use which will cause more carbon emissions.

I highly condemn, other Licensing Operators using Hemel Hempstead as their working platform and for us Taxi Drivers making jobless.

Except the fact, that if Dacorum Borough Council will support and assist us during this difficult time of the year. We may agree to this new policy that has been set out.

Thank You,

Yours Sincerely,

**[redacted]**

22.



Licensing Team  
Decorum Borough Council  
Marlowes  
Hemel Hempstead  
Hertfordshire  
HP1 1DN

7<sup>TH</sup> November 2020

**Taxi Draft Policy Consultation**

Dear Sir/Madam,  
am writing to you regarding draft policy number 18.4 which says by 2025 all vehicles will be expected to meet an electric/hybrid standard. From the current pandemic situation, we are struggling to live off from this business as our business has decreased rapidly. Furthermore, other drivers (Aylesbury, PCO London, Three Rivers) have taken over the whole Dacorum area, so we get very little business. Recently, I bought a brand-new vehicle, and I am struggling to pay back the loan so I cannot afford to buy another new vehicle. Can you please consider postponing the Taxi Draft Policy or give a grant to us so that we can buy a new vehicle which will comply with the new taxi policy. It would be very much appreciated.

Yours Sincerely,



23.

*Star Taxis Travel& Tour Ltd*  
STAR TAXIS  
33 Goldcroft  
Hemel Hempstead  
Herts  
HP3 8EY

**OPERATOR LICENCE NO PO 032**  
HV214/ HV148/ HV108/HV212

Licensing Team  
Decorum Brought Council  
Marlowes  
Hemel Hempstead  
HP1 1DN  
Hertfordshire

**Postpone taxis/private hire vehicle policy consultation**

Dear Sir/Madam,

I am writing to you regarding draft policy number 18.1 to 18.8 which is about the emission changes. From the current pandemic situation, we are struggling to live off from this business as our business has decreased rapidly. We do not receive much money so are not able to afford a new vehicle. Furthermore, other drivers (Aylesbury, PCO London, Three Rivers) have taken over the whole business in our Dacorum area, so we get very little business. We have been drastically affected so can you please consider postponing the taxi policy consultation or give a grant to buy a new vehicle to all our drivers.

THANK YOU

Yours Sincerely,

  
Managing Director  
Star Taxis Travel&Tours ltd

24.

**From:** [redacted]

**Sent:** 06 November 2020 20:52

**To:** Nathan March <Nathan.March@dacorum.gov.uk>; Farida Hussain <Farida.Hussain@dacorum.gov.uk>; PENNING, Mike <mike.penning.mp@parliament.uk>; [redacted]

**Subject:** Taxi Consultation

To whom it may concern,

Hope you are all keeping well. I **[redacted]** **[redacted]**, feel very concerned with the timing of the taxi consultation. I am aware this consultation was pre planned however I believe due to the current economic situation the best option is to postpone the consultation.

At the precise moment with the current pandemic situation with what you are proposing (change of vehicle) is near impossible. Therefore as mentioned above it would be in the best to put aside the consultation until the economic condition of the country has improved.

I have had meetings with the council to provide us with the taxi ranks in Berkhamsted, Tring and to make the rank outside Crazy Chicken (which is currently part time) into a full-time rank.

I have been promised a lot, however nothing has been materialised as such to this moment. I would like to raise the question to the taxi licencing department, what has been put in place till this date to improve the working conditions for the taxi drivers? There are so many points that I could put in this email that would go on forever however I would strongly protest that the licensing department rethink or postpone the consultation especially for the change of vehicle.

As a worker of the rank I would like to highlight the fact that there is minimal income working on the rank. On numerous occasions I have waited on the rank for many hours and returning home with no job. The potential of a taxi driver earning a living of the rank in a 10-hour shift is maximum up to 30 pounds. Moreover it doesn't help with the number of foreign taxi plated vehicles working in our Borough. Drivers that are plated from other councils have their meters calibrated to Dacorum which shows that they have no intention of working where they are licenced from. Their sole intention is to work in our Borough which the council are aware about.

Due to personal circumstances, I am having to fly out of the country and do not know the duration of this trip. Any correspondence please can you get in touch with the **[redacted]**; **[redacted]** (who I have copied into the email)

Kind Regards

**[redacted]**

25.

**From:** **[redacted]**

**Sent:** 03 November 2020 09:12

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** **[redacted]**

Good morning,

Thank you for letting us know for new policy but circumstances now we can't afford to go ahead one is covid 19 2nd in dacourm Borough Council not many cars as in electric or Euro 6 its not gonna make any difference u forcing us to do it so can u revisit ur deceion please it will be very helpful for us thanks

Regards,

**[redacted]**

26.

**From:** **[redacted]**

**Sent:** 28 October 2020 11:25

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Emissions proposal

I have to say that with these new proposals over Emissions it seems like you are driving the final nail in the coffin for us Hackney carriage drivers first remove us out of Marlowes to the back of the town And the flyers that we gave out when this happened said there will be signs in the town to let people know where we were and there isn't any signs in the town even now in 2020 we Hackney carriage drivers pay Dacorum borough council year after year to be able to work our towns Streets whilst Uber Pay you nothing and are running rife taking our living down to nothing and then coronavirus came along and now we are on our knees Things were bad enough before coronavirus and now they're pretty much ruined with that and Uber together and now you hit it upon us that we have to spend around 15 grand for new vehicles every few years eventually going to electric

You really have no idea after all the years of service myself personally 20 years I've given to this job I passed my knowledge test and I was proud but now it seems anybody can get an Uber license as long as They've got a sat/nav And have the audacity to call them self a taxi driver so now i strongly would urge you to re-consider your daft proposals Your timing could not be any worse not enough work before covid 19 definitely not enough now struggling to survive I will actually go as far to say as it feels like you're trying to bury us hackney carriage drivers I wonder what's going on?

**[redacted]**

27.

**From:** **[redacted]**

**Sent:** 23 October 2020 17:26

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Important Taxi Policy Changes - Ref **[redacted]**

Dear Mr March,

I hope this email reaches you in good health,

I am writing in response to your recent letter regarding important taxi policy changes. It is very disappointing to hear such changes are taking place during these difficult times. Some of the key changes that have been listed in the policy are understandable, however, I have concerns and do not agree with some of the changes and most notably the following:

- **Strong Emissions Policy:** sited 1.9 on the Taxi and Private Hire Licensing Policy - key changes document and section 18 on the Draft Taxi Licensing Policy document.

The initiative aims to reduce emissions and achieve carbon neutral activities by 2030 and therefore, we are being asked to purchase vehicles that are approx. 4 years of age or alternatively fully or part electric vehicles by 2023/2025.

In normal times, these changes would seem somewhat understandable but still unrealistic due to the trade and current competition from mendacious companies such as Uber. However, because of the current situation and the pandemic resulting in massive losses for our trade, I strongly believe this policy is unrealistic and unfair given the current circumstances and fierce competition. Business is extremely slow, and we are really struggling to pay our expenses and continue in this trade. Furthermore, I purchased my 2009 plate vehicle not too long ago, which in line with your policy would need to be upgraded within 6 months for me to be able to continue work. By introducing new policies such as the above, you are not showing your support during these difficult times. It will be exceedingly difficult to afford, purchase and maintain new vehicles especially since customer numbers have dropped drastically and the future is not looking much better with both this pandemic and continuous competition.

Finally, I am not alone regarding the above points and can confidently confirm these views are shared amongst my peers and the majority of other taxi & private hire drivers. Therefore, I sincerely request that you reconsider this new policy and consider the above points before finalising the draft policy. We as a community of drivers would appreciate your support and hope that this new policy is not implemented, and other means are considered.

Thank you for your time.

**[redacted]**

**28.**

From: **[redacted]**

Sent: 21 October 2020 22:19

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Infotainment

I just find out next year after april 2021 petrol hybrid Car need to be euro 5 is well

Sent from my iPhone

**From:** [redacted]

**Sent:** 21 October 2020 17:27

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** FW: Taxi licensing

Sent from my Samsung Galaxy S9+ - Powered by Three

Yo whom it may concern

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

**29.**

**From: [redacted]**

**Sent:** 15 October 2020 21:22

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Rejection to proposal

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this

policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenal public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

**30.**

-----Original Message-----

From: **[redacted]**

Sent: 15 October 2020 12:22

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Emissions criteria change.

I'm Hackney carriage driver badge number. **[redacted]**

.

Thank you for the email regarding the emissions change draft.I have some reservations about how quickly you want to introduce these changes especially in the current climate of COVID-19.My earnings have dropped more than half in the last six months.I think we should be given at least 10 year period in which to to implement these changes.i hope you will consider these points when you come to your decision.regards. **[redacted]**

Sent from my iPhone

**31.**

From: **[redacted]**

**Sent:** 15 October 2020 11:23

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** taxi and private hire consultation

Thank you for the key points laid out for the draft consultation.

You refer to S18 of the draft policy (Emissions) but do not elaborate. It is difficult to answer a point that has not been transparent, so I can only assume you want all vehicles changed to electric.

I strongly argue against this point as there is no scientific evidence that this will not further impact on

the environment:

- due to the life of batteries and recycling/replacing
- rape of the earth's infinite resources ie lithium
- insufficient charging points

Whilst I agree that pollution needs to be addressed policies must be realistic with regard to today's economic climate. Taxis and private hire vehicles generally have heavier usage than average drivers and are replaced on reliability. At present Dacorum taxi and private hire drivers are under great financial pressure not only from reduced work due to coronavirus ie people working from home, not going out socially, closures, isolating but also from drivers from outside the area that we cannot compete with. Uber can pick up and drop off without the lost mileage, our systems cannot do that. London taxis work from here and go to London, work and return without any charges applied which we have to add. Berko Black Cabs **[redacted]** works from here and only works in London whilst waiting for return fares. You have no jurisdiction over these drivers and they can do as they like. Our takings are substantially down and to have a large outlay to do school runs, that only run term times, and older generation doing shopping locally is not a viable proposition.

In protecting the public, you would be failing our older generation who rely on our service for getting around locally and the mental support of a known regular driver. I say that because any changes introduced at present will result in drivers giving up. Takings are down by two thirds. Many drivers have not returned since the lockdown or are doing reduced hours. Turn it round and tell the council and all its contractors to replace their vehicles and it would be thrown out.

Rgards

**[redacted]**

**32.**

**From:** **[redacted]**

**Sent:** 14 October 2020 16:38

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Policy changes **[redacted]**

Dear Mr March

Due to current circumstances I am not thrilled about the environmental changes and having to possibly having to change 3 vehicles over the same amount of years.

i am all for a green planet and would like to ask the council if i was to purchase an electric vehicle where would i plug this in. I do think for the future we need to do this over the next 10 years.

Kind regards

**[redacted]**

**33.**

From: **[redacted]**

]

Sent: 06 October 2020 11:35

To: Licensing Mailbox <[Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)>

Subject: Taxi changes

Hi just received the letter about the taxi changes due to the covid 19 and I would like to say that I do not agree with the changes of the vehicles on these hard times, also we are struggling to feed our families and you guys want us to buy new cars.

**[redacted]**

**34.**

From: **[redacted]**

Sent: 11 October 2020 21:46

To: Licensing Policy Mailbox <[licensingpolicy@dacorum.gov.uk](mailto:licensingpolicy@dacorum.gov.uk)>

Subject: Fwd: Proposed licencing policy changes

Dear licensing policy Committee

I'm writing with regards to the proposed changes in the taxi licensing policy, in particular sections 18.1 to 18.8.

I am a Hackney carriage driver who has worked within the Dacorum borough for over 10 years. We have seen work decline drastically over the last 5 years due to several reasons listed below:

1. Movement of the Taxi rank which has lead to reduced footfall and trade for all drivers.
2. Unlicensed vehicles continue to work in the area.
3. Introduction of Uber drivers now also working illegally in the Borough, which breaks all laws & bylaws of the trade
4. Coronavirus pandemic which has almost halted the remaining trade altogether. During this pandemic our trade has gone down to around a quarter of where it would previously have been. Whilst our potential earnings have been severely restricted, we continue to incur expenditure on insurance, fuel, wear and tear, maintenance and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. Unachievable with the current level of work available in the borough, due to the reasons mentioned above. Without the income coming in buying a highly specific vehicle at substantial cost is impossible.

A euro 6 emissions standard vehicle will currently costs approximately £20,000 or more. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another £20,000.

This proposal feels like the council are trying to scrap the trade. The majority of drivers will be unable to afford or upgrade their taxis, leading to many drivers becoming job less. There are Currently over 450 drivers in the Borough and this policy especially clause 18.1 to 18.8 will lead to a substantial number of these drivers becoming unemployed.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have been unable to find any company that does that. An alternative which is the use of bio fuel is unavailable to genel public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where to buy this from .

We urge the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better, allowing us to get through the initial turbulence before assessing what we need to do next.

Yours sincerely

**[redacted]**

35.

**From:** *[redacted]*

**Sent:** 10 October 2020 15:09

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Review of taxi and private hire policy consultation

Hi

Please find attached letter expressing my views on proposed taxi policy.

Thank you

Kind regards

**[redacted]**

Dear Sir/Madam,

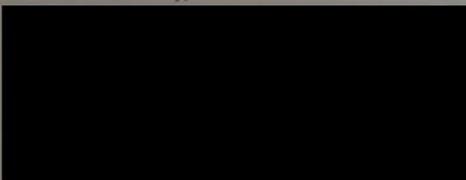
RE: Review of taxi and private hire policy consultation

I am writing to express my concern and disagreement with a specific aspect of the policy under consultation.

The timescale that has been provided with regards to the emissions requirement changes is extremely unrealistic. Under the current climate, income for Dacorum licensed taxi drivers has been drastically reduced due to COVID 19 and fierce competition from private companies such as Uber. Bearing this in mind, setting such short deadlines where a significant investment from taxi drivers is required to meet the standards is unfair and inconsiderate of the financial hardship that taxi drivers are currently facing.

I am hopeful that my views will be taken on board in this consultation and look forward to hearing from you.

Yours faithfully,

A large black rectangular redaction box covering the signature area of the letter.

36.

**[redacted]**

8<sup>th</sup> October 2020

Dear Sir/Madam,

RE: Review of taxi and private hire policy consultation

I am writing to express my concern and disagreement with a specific aspect of the policy under consultation.

The timescale that has been provided with regards to the emissions requirement changes is extremely unrealistic. Under the current climate, income for Dacorum licensed taxi drivers has been drastically reduced due to COVID 19 and fierce competition from private companies such as Uber. Bearing this in mind, setting such short deadlines where a significant investment from taxi drivers is required to meet the standards is unfair and inconsiderate of the financial hardship that taxi drivers are currently facing.

I am hopeful that my views will be taken on board in this consultation and look forward to hearing from you.

Yours faithfully,

**[redacted]**

37.

From: **[redacted]**

Sent: 06 October 2020 11:35

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Taxi changes

Hi just received the letter about the taxi changes due to the covid 19 and I would like to say that I do not agree with the changes of the vehicles on these hard times, also we are struggling to feed our families and you guys want us to buy new cars.

**[redacted]**

**38.**

From: **[redacted]**

Sent: 04 October 2020 15:40

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: New Taxi licensing policy

Dear Licensing policy Committee,

I am writing to yourselves in regards to the new Taxi licensing policy being proposed, especially sections 18.1 to 18.8.

I have worked in the Dacorum Borough council for over 18 years and over the past 4 to 5 years I have seen the volume of work in this area decrease detrimentally due to the following reasons;

- The rank that was positioned in the Town centre was moved which had an affect on our trade.
- There are now many unlicensed vehicle working in the area.
- Uber are now working I believe illegally in the area breaking many bylaws and many other laws of the trade.
- The Coronavirus pandemic has caused a dramatic impact on our trade, our trade has gone down to near enough nothing in terms of earnings during the past 4 months whilst in lockdown. To this present date, we are working close to 12 hour shifts with earning around £30-40 a day. And with our earning being affected so, we still have our expenditures to account for.

The reason I am objecting to clauses relating to 18.1 to 18.8 are;

- It is financially unsustainable in this current economic situation given the above stated reasons for a Taxi driver to purchase a vehicle which is euro 5 emissions standard. This would set me back 12 to 16 thousand pounds or more depending the vehicle specifications and for it to then change again to a euro 6 standard after a year or so. A euro 6 emissions standard vehicle will cost approximately 20K and above. I will then have to change again in another couple of years to a hybrid/electric vehicle which would set me back another 20K. Many of us Taxi drivers will be unable to afford to upgrade our vehicles.
- Implementing clauses 18.1 to 18.8 would mean the current 450 drivers in the borough, over 60% of Taxi drivers will be made jobless as they are unable to afford to upgrade.
- 18.5 clause suggests Taxi vehicles can be modified to meet emissions standard but I have unfortunately been unable to find a company that does such a modification.

I am urging the council committee to not implement this policy especially during this current climate, this policy should be delayed until the pandemic is over and the current economic situation is improved.

Kind Regards,

**[redacted]**

**39.**

**From:** [redacted]

**Sent:** 03 October 2020 21:07

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Taxi policy changes

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 25 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

40.

**From:** [redacted]

**Sent:** 03 October 2020 17:26

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Proposed licencing policy changes

Dear licensing policy Committee

I'm writing with regards to the proposed changes in the taxi licensing policy, in particular sections 18.1 to 18.8.

I am a Hackney carriage driver who has worked within the Dacorum borough for over 10 years. We have seen work decline drastically over the last 5 years due to several reasons listed below:

1. Movement of the Taxi rank which has lead to reduced footfall and trade for all drivers.
2. Unlicensed vehicles continue to work in the area.
3. Introduction of Uber drivers now also working illegally in the Borough, which breaks all laws & bylaws of the trade
4. Coronavirus pandemic which has almost halted the remaining trade altogether. During this pandemic our trade has gone down to around a quarter of where it would previously have been. Whilst our potential earnings have been severely restricted, we continue to incur expenditure on insurance, fuel, wear and tear, maintenance and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. Unachievable with the current level of work available in the borough, due to the reasons mentioned above. Without the income coming in buying a highly specific vehicle at substantial cost is impossible.

A euro 6 emissions standard vehicle will currently costs approximately £20,000 or more. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another £20,000.

This proposal feels like the council are trying to scrap the trade. The majority of drivers will be unable to afford or upgrade their taxis, leading to many drivers becoming job less. There are Currently over 450 drivers in the Borough and this policy especially clause 18.1 to 18.8 will lead to a substantial number of these drivers becoming unemployed.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have been unable to find any company that does that. An alternative which is the use of bio fuel is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where to buy this from .

We urge the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better, allowing us to get through the initial turbulence before assessing what we need to do next.

Yours sincerely

[redacted]

[redacted]

41.

**From:**  
**Sent:**  
**To:**

**Subject:** New Taxi consultations

Dear Sir/Madam,

This is an urgent circular email. It is a long and quite forensic email but its because the ramifications of what I'm about to raise are quite huge, is why this email is as long as it is.

It is regarding major proposed rule changes (proposed by Dacorum Borough Council's licensing department it seems) - to be applied to Dacorum's Taxi and Private Hire licensed drivers/operators.

If these rules are passed by local councillors, it seems the new rules and requirements will come into effect at very short notice and too short notice to be anywhere near reasonable or feasible on some key areas for drivers to be able to meet.

Before I go on about the issue concerning my colleagues and myself the most, my background on this, is that I am a Hackney carriage Licence Holder.

My representations are as an individual, I am not officially representing other colleagues of mine but I have liased with Dacorum Hackney and Private Hire Taxi association who do officially represent most local drivers and they are ok with my raising issues when I do so and they have asked me to raise issues in the past too.

I doubt there would be many drivers disagreeing with my immediate concern.

My main immediate concern is regarding proposals that will require all drivers to have cars that meet at least Euro Emission 5 standards by the 1st April 2021.

The proposals then also want all drivers to have cars that meet Euro Emission 6 standards by April 2023 and then in 2025, for drivers to have hybrid/electric plug in cars.

The proposals you can see for yourself are on DBC's Taxi Licensing webpage and it says early on in Section 2 of those proposals, that there is not legislation requiring these changes to be done.

The consultation on all of the proposals is open to be responded to until sometime in December 2020.

If DBC councillors only decide then on what to pass and what not to pass, drivers could be looking at less than 4 months notice to change their cars or be out of their job. Even now, we have 6 and a half months maximum or so to get potentially ready and with everything going on, this is not feasible or reasonable.

As some of us (including myself) vehicle licence, has expired or will expire before December and we currently do not own cars that meet the proposed changes, and because of the short amount of time involved in general and for all the things/reasons I am about to outline, I am requesting that on this major aspect of the proposals, councillors consider this aspect earlier than December and I am hoping will not pass the proposal.

As this aspect could have massive ramifications for drivers and their livelihoods/life chances as well as it could lead to a shortage of Taxi's/Private Hires, I hope you will read the following too and give it serious consideration.

1

What has happened with regard to Central Government's role on this is that they asked a group of people to look into all rules/laws regarding Taxi's/Private Hires around 2017.

That group called something like The Taxi Taskforce Finish Group reported at somepoint in 2018 I think and they made various recommendations.

The Government responded to that report sometime in 2019 I believe and they seem to have given their general stances. If you want to look at these reports, search for the Taxi Task Force Finishing Group and it should bring up the original recommendations to the Government and the Government's response.

Apart from one area on tax, from what I can tell, Central Government did not seem to have made any requirements or passed legislation, though they have mentioned where they agree with recommendations and that when time allows, they will legislate in the future.

The Government has also mentioned what they think is best practice and as part of their response, they say things like "we welcome this" but don't seem to have passed legislation requiring councils to follow/implement recommendations.

What I think Central Government seem to be saying to councils across the country is "have a look at our response and what we say is Best Practice/National Minimum Standards on some areas and consider it in general but its up to you to decide to implement what you feel is best for your area".

With regard to my main concern regarding the local licensing department wanting drivers to have cars that meet the standards I mentioned earlier, I have seen no mention that Central Government want Taxi's/Private Hires to all be Class 5/6 Euro Emissions by April 2021 and 2023 respectively.

The Government also don't seem to have mentioned requiring drivers to have Hybrid cars either but they did mention that grants are available for those who do buy them.

So it seems the licensing department has taken its steer from DBC's Emergency Climate Change Policy.

My responses to this is that it is not reasonable, affordable and I suspect will not be at all effective only applying these environmental policies to a small amount of people working in Dacorum.

We all know in general what the Covid 19 outbreak has done including to people's jobs/income.

I was working with Choice Taxis up until lock down measures were first put into place/ordered and I have kept in contact with Choice every few weeks since to ask them how much business they are getting.

I was told in mid June and even into early July, that they had less business than at the start of lockdown and that it was at about 10 per cent business they were getting compared to before the Covid 19 outbreak. This was during the time when some restrictions on businesses and the public had started to get lifted oo.

From late July onwards, I have been told that business is between 30-40 percent of what it was pre the Covid outbreak.

For those of my colleagues who only work on Taxi Ranks, it would definitely have been much much worse for them.

Even before the Covid outbreak though, business in the Taxi industry in Dacorum was incredibly tough and incomes/profits have taken a hammering ever since Uber started gaining lots of the local custom from 2016 onwards.

I myself have not worked since the Prime Minister first ordered various businesses to close around March the 16th/17th 2020 and the PM back then also advised anyone with underlying health conditions to stop working.

2

42.

From: [redacted]

Sent: 01 October 2020 13:46

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Taxi Consultation Feedback

Good Afternoon,

I write in relation to the document named consultation circulated to the trade inviting comments with the deadline dated 9th December 2020.

Having reviewed the consultation, firstly I would like to congratulate the council and in particular the Licensing department in bringing together 1 document

For the trade which will in future prove easier to consult and review. It is also beneficial that we are now looking to move away from paper based forms and

Move to a much more modern electronic version. I will however request the council invite the trade to test the online portal/service before its introduction.

Background:

Taxis and their use in Dacorum have been severely affected in the last decade by a combination of County and local Council planning/policies.

- The replacement of the original taxi rank not only affected the trade but also local businesses along the old strip.
- A ripple effect of the above is, why would someone from the biggest bar in town, the Full House walk back on themselves to the rank to go to the old town. Although a night rank is marked outside of Crazy Chicken this is disjointed and is not beneficial due to the constant pick up drop off privately of people.
- The free movement and cross border issues whereby drivers from other licensing authorities have been able to operate in the borough (this is not limited to Three Rivers as has been discussed in the past with Aylesbury Vale etc)
- Contracts awarded to licensing authorities such as Uttlesford having an affect on local drivers being priced out.
- UBER, the single biggest failure has been the lack of action taken against UBER drivers solely working in the borough, touting. This has had one of the biggest effects on the trade.
- Lack of checks and enforcement on cross border and UBER.
- Covid-19, the pandemic that has led the world into a global recession and reduced the trade to 80% decrease in business and for some drivers more leading to increased working hours, second jobs and reliance on top ups from Government if applicable. Additionally lockdowns where taxis were not in use and public were restricted to their homes. There hasn't been a reduction in licensing fees or extension to licences because of this. In fact the Licensing department which is under resourced has been delayed in issuing licences for both drivers and vehicles.
- Further restrictions of people being encouraged to work from home- leads to less trade from stations /commuters
- 10pm curfew is having an impact on the trade more.

- Relinquished night trade due to the towns lack of investment, Covid so no beneficial of the time and a half rate. This has led to more drivers working day shift which has impacted on shifts of drivers as reduced market share.

In relation to the consultation itself and some of the changes proposed, please find below my comments.;

The first point to consider is that the changes within the Consultation are not requirements under Law.

I was not aware of any prior consultation of proposed changes as specified within this consultation (dates)

At point 5.8 there seems to be no grace period but where is the transparency with the Councils delay in dealing with applications, this should be a two way process.

At Point 11.7 , Whilst Safeguarding training is of utmost importance, the requirement to do this at renewal is quite a demand considering the costs will be on the drivers and in addition to other increasing costs. There are no main differences in law from previous training so why every 3 years and why not every 5 or other application. Have you considered stand alone training like a refresher session which is subsidised.

At point 16.11 the requirement to turn the engine off after 1 minute to reduce nuisance is actually something that would cause more nuisance especially if you have to turn on your engine straight away for another job or move your car up the rank. The time requirement should be removed and be replaced by reasonable time.

Point 18. Emissions.

Every individual has a responsibility and a role to play with climate change. However how has the situation become so bad within Dacorum that you require this sudden change. Central London has only introduced the ULEZ around 12 months ago and other major cities are still considering its implementation. Dacorum is far from polluted and I feel to stay relevant both politically and look favourable amongst local authorities is proposing its introduction here within the borough. You have rules in place governing vehicles and those over 10 years have a M.O.T twice. If there is any emission issue this would be picked up at M.O.T stage. You cant simply go on a whim and say we want to implement a policy that requires licensed vehicles to be of a certain requirement emission wise without taking into consideration all the effects.

At 18.1-18.6 it states all new vehicles licensed from 01/04/2021 will need to meet Euro 6 and any renewals Euro 5. This change is less than 5 months from the time the consultation closes. This is both draconian and simply not feasible. The policy goes onto say that drivers may get vehicles adapted/modified, change the fuel to cleaner one or change the vehicle. I would like you to explain how vehicles can be modified or adapted and will you be supplying this service. In terms of using cleaner fuel, this is already in place with the removal of 4star to unleaded and I don't see how this can be implemented. This inevitably leads to the purchase of a new vehicle which is basically what you are wanting drivers to do but is totally wrong for a whole host of reasons.

In effect, if a drivers licensed a Euro 4 Vehicle this year 2020, they will have to get this changed again at renewal and with the way the trade is they would have to invest in a Euro 6 as it would be a first licence for the new vehicle. Then again by 2025 they would have to invest in a new vehicle.

By 2025 vehicles should be hybrid/electrical. This is non sensible in that you are effectively requiring the trade to invest year on year in its vehicles when there is simply no legal requirement, no government directive , decreased trade due to a pandemic and UBER.

From a personal perspective, You need to consider, I have a vehicle which is manufactured in 2007, this meets the standards for ULEZ in Central London but will fail in Dacorum due to your labelling of Euro 6. How is this possible and clearly demonstrates to me that the Council has failed to understand emissions requirements before trying to introduce them locally.

If you want to create a better carbon foot print, you should consider suspending all proposed changes to policy until you receive a government directive on this. It is good you wish the borough to go to electric vehicles but within 5 years is both unfair and ludicrous. Whilst this Pandemic is ongoing and in the height of recession the council should suspend any proposed changes it wishes to introduce in relation to vehicles emissions. A more accurate assessment needs to be made of what is feasible in the current uncertain climate. At the earliest Euro5 should be introduced by in 2025. I again reiterate that any changes should be suspended for the foreseeable future.

I am happy to discuss further if you require.

Kind Regards

**[redacted]**

**43.**

**From: [redacted]**

**Sent:** 30 September 2020 22:03

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Licensing policy committee

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a private hire driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents, electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenel public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

**44.**

From: **[redacted]**

Sent: 29 September 2020 16:55

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Taxi licensing policy 18.1 to18.8

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 6 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

45.

From: **[redacted]**

Sent: 27 September 2020 08:59

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: About the policy

Dear drivers if you are having difficulties sending a email we have made a template that you can use and send to the committee. Please add your own details in the email template.

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better. Or if you provide grant for everyone.

Yours sincerely **[redacted]**

46.

From: **[redacted]**

Sent: 25 September 2020 22:44

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Taxi Licencing policy

Dear sir /madam . I have gone through the new taxi policy consultation and really worried to read from no 18.1 to onwerd about changing the cars for taxi . First thing probably the amount of taxi in Dacorum brough council is only 5% or may be 10% of all the cars on the road and changing the 5% in to euro 5 or 6 while 95% still will be on the road will not make a huge difference in climate clean control . I need to get you attention towards the finical crises taxi trade is facing from last couple of years due to uber working illegally in the brough had a major impact in the taxi trade . Than from last few months we are hand to mouth and can't even earning enough to feed the family due to coved 19 . If you apply this rule witch I can see the date in April 2021 in next six months while the government restrictions on pubs and restaurants till 10 pm Till March will more damage the trade , i am afraid it would not be possible to afford to buy the new car . I will be really grateful if you kindly review you decision . Looking forward to hearing from you soon . Thanks and kind regards

**[redacted]**

**[redacted]**

Sent from my iPhone

47.

From: **[redacted]**

Sent: 25 September 2020 01:58

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Changes to Taxi Emissions standards

Dear Sir/Madam,

During this hard time most of business are struggling to survive. We taxi drivers has lost nearly 70% of our income. We are struggling to pay monthly bills. Nearly every one of us in debt.

In this hard time how can we buy new vehicles which meets the new standards. Because we won't be able to change our vehicles in this short time, As a result we will be workless.

I hope you don't want to deprive us from our livelyhood.

So I request that these changes should be postponed.

Thanks

**[redacted]**

48.

From: **[redacted]**

Sent: 23 September 2020 18:24

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Euro 5 & 6 emission standards.

I think it's really unfair to make all drivers change their vehicle to Euro 5 & 6 standards in the upcoming years. We have been hit hard by Uber drivers and now Covid-19. Both of them has significantly reduced our income. I hope all drivers and association condemn and counter this policy as soon as possible, as I think it's utterly wrong [redacted]

Sent from my iPhone

49.

**From:** [redacted]

**Sent:** 22 September 2020 22:27

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Taxi licence policy

To whom it may concern at the licensing policy Committee,

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town taxi rank was moved causing major issues with the trade, as people don't bother looking for the rank anymore they just order an Uber to wherever they are.
2. Unlicensed vehicles are working in the area when we have paid hard earned money to have a license for this borough.
3. Uber working illegally in our Borough, breaking all the bylaws including many other laws of the trade.
4. Coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low, we still have expenditure like insurance, fuel, wear and tear ect. On top of that we have families to feed rents, electrics, gas and so on.

Taking into account all the above, The reasons for the objection to clauses 18.1 to 18.8 are as follows

Financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will

be between 12,000 to 16,000 or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20,000 or above. The driver will then have to change again the vehicle again after a 2 year period to a hybrid or electric vehicle which would then be another cost on top of another 20,000. Therefore this proposal does not make any sense to implement. It feels like the council are trying to scrap the trade. Many driver will be unable to afford or upgrade their taxis due to the current climate and wages we make, many drivers will become jobless due to this being their primary job for many years. There are Currently over 450 driver in the Borough and the policy pinpointing especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of drivers to become jobless as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have been unable to find a company that does this. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks, not for taxi drivers. There is also no way of buying the fuel individually which makes this impossible.

We URGE the committee not to implement this policy especially in the current climate decreasing due to coronavirus. This policy should be delayed until the pandemic is over and the economic situation becomes better for us.

Yours sincerely

**[redacted]**

**50.**

From**[redacted]**

To: [Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)

CC:

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenal public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

Name

Address

Badge number

Please use this as a template only do not copy and paste as I have already sent this to the council and change some information or if you feel you can add more then do so .

Send to [licensingpolicy@dacorum.gov.uk](mailto:licensingpolicy@dacorum.gov.uk)

Thanks take action now

Protect yourself for the future

Act now you have till the 9th December

[18/09, 12:01] Nas Mob: Dear drivers if you are having difficulties sending a email we have made a template that you can use and send to the committee. Please add your own details in the email template.

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

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A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

51.

**From:** [redacted]

**Sent:** 21 September 2020 18:33

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>; Licensing Mailbox <Licensing@dacorum.gov.uk>; Nathan March <Nathan.March@dacorum.gov.uk>

**Subject:** Fwd: URGENT. Re Major & Sudden Proposed Changes To DBC Taxi/Private Hire Rules

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

**From:** [redacted]

**Date:** Sunday, September 20, 2020

**Subject:** URGENT. Re Major & Sudden Proposed Changes To DBC Taxi/Private Hire Rules

**To:** [redacted]

Dear Sir/Madam,

This is an urgent circular email. It is a long and quite forensic email but its because the ramifications of what I'm about to raise are quite huge, is why this email is as long as it is.

It is regarding major proposed rule changes (proposed by Dacorum Borough Council's licensing department it seems) - to be applied to Dacorum's Taxi and Private Hire licensed drivers/operators.

If these rules are passed by local councillors, it seems the new rules and requirements will come into effect at very short notice and too short notice to be anywhere near reasonable or feasible on some key areas for drivers to be able to meet.

Before I go on about the issue concerning my colleagues and myself the most, my background on this, is that I am a Dual Licence Holder. I have both a Hackney Carriage and Private Hire Driver Licence.

I was first licensed as a Private Hire Driver in 1998 and then I think it was late 1999 or into the year 2000 when I also passed the Hackney Carriage tests/processes.

My representations are as an individual, I am not officially representing other colleagues of mine but I have liased with some of those who do officially represent most local drivers and they are ok with my raising issues when I do so and they have asked me to raise issues in the past too.

I doubt there would be many drivers disagreeing with my immediate concern.

My main immediate concern is regarding proposals that will require all drivers to have cars that meet at least Euro Emission 5 standards by the 1st April 2021.

The proposals then also want all drivers to have cars that meet Euro Emission 6 standards by April 2023 and then in 2025, for drivers to have hybrid/electric plug in cars.

The proposals you can see for yourself are on DBC's Taxi Licensing webpage and it says early on in Section 2 of those proposals, that there is not legislation requiring these changes to be done.

The consultation on all of the proposals is open to be responded to until sometime in December 2020.

If DBC councillors only decide then on what to pass and what not to pass, drivers could be looking at less than 4 months notice to change their cars or be out of their job. Even now, we have 6 and a half months maximum or so to get potentially ready and with everything going on, this is not feasible or reasonable.

As some of us (including myself) vehicle licence, has expired or will expire before December and we currently do not own cars that meet the proposed changes, and because of the short amount of time involved in general and for all the things/reasons I am about to outline, I am requesting that on this major aspect of the proposals, councillors consider this aspect earlier than December and I am hoping will not pass the proposal.

As this aspect could have massive ramifications for drivers and their livelihoods/life chances as well as it could lead to a shortage of Taxi's/Private Hires, I hope you will read the following too and give it serious consideration.

What has happened with regard to Central Government's role on this is that they asked a group of people to look into all rules/laws regarding Taxi's/Private Hires around 2017.

That group called something like The Taxi Taskforce Finish Group reported at somepoint in 2018 I think and they made various recommendations.

The Government responded to that report sometime in 2019 I believe and they seem to have given their general stances. If you want to look at these reports, search for the Taxi Task Force Finishing Group and it should bring up the original recommendations to the Government and the Government's response.

Apart from one area on tax, from what I can tell, Central Government did not seem to have made any requirements or passed legislation, though they have mentioned where they agree with recommendations and that when time allows, they will legislate in the future.

The Government has also mentioned what they think is best practice and as part of their response, they say things like "we welcome this" but don't seem to have passed legislation requiring councils to follow/implement recommendations.

What I think Central Government seem to be saying to councils across the country is "have a look at our response and what we say is Best Practice/National Minimum Standards on some areas and consider it in general but its up to you to decide to implement what you feel is best for your area".

With regard to my main concern regarding the local licensing department wanting drivers to have cars that meet the standards I mentioned earlier, I have seen no mention that Central Government want Taxi's/Private Hires to all be Class 5/6 Euro Emissions by April 2021 and 2023 respectively.

The Government also don't seem to have mentioned requiring drivers to have Hybrid cars either but they did mention that grants are available for those who do buy them.

So it seems the licensing department has taken its steer from DBC's Emergency Climate Change Policy.

My responses to this is that it is not reasonable, affordable and I suspect will not be at all effective only applying these environmental policies to a small amount of people working in Dacorum.

We all know in general what the Covid 19 outbreak has done including to people's jobs/income.

I was working with Choice Taxis up until lock down measures were first put into place/ordered and I have kept in contact with Choice every few weeks since to ask them how much business they are getting.

I was told in mid June and even into early July, that they had less business than at the start of lockdown and that it was at about 10 per cent business they were getting compared to before the Covid 19 outbreak. This was during the time when some restrictions on businesses and the public had started to get lifted oo.

From late July onwards, I have been told that business is between 30-40 percent of what it was pre the Covid outbreak.

For those of my colleagues who only work on Taxi Ranks, it would definately have been much much worse for them.

Even before the Covid outbreak though, business in the Taxi industry in Dacorum was incredibly tough and incomes/profits have taken a hammering ever since Uber started gaining lots of the local custom from 2016 onwards.

I myself have not worked since the Prime Minister first ordered various businesses to close around March the 16th/17th 2020 and the PM back then also advised anyone with underlying health conditions to stop working.

I do have an underlying health condition and other health issues too so I followed the advice in general.

I was generally prepared to take the risk of trying to go back to work and I still might but then a few days ago I was sent a message by colleagues about these proposals.

My own vehicle licence has expired and my Dual Driver's Licence expires at the end of the year.

As my car is a Class 4 Euro Emissions car, I am in a very difficult position on deciding is it worth the cost of renewing my licences or not.

If I was to renew my licences and if these rules are implemented, its highly likely that by April next year, I will be unable to afford buying a car that will meet Euro Emission 5 or 6 standards.

I think this will be the case for a considerable amount of my colleagues too as I think many of them will have Euro 4 emission cars and only a limited amount of drivers I suspect have cars that meet Euro 5/6 emissions.

I have to ask too that is there much difference in the amount of emissions from Euro Emissions 4 to 5 and then 6?

London has an Ultra Low Emissions Zone and my car would not have to pay the charge.

TFL's webpage says that any petrol car made from 2005 onwards would qualify as meeting the minimum requirements (not to pay) and they seem to indicate some cars from 2001 onwards would have too, though for Diesel Cars it says cars made from 2015 onwards meet the minimum standards.

Bear in mind though, London has an ULTRA low emission zone, hence why I ask, is there much difference between Class 4-6 in emissions.

I have owned my own car for the last 6 years and I'm pretty sure its never failed any of its MOT's and its always passes the emission test part too and I've never had any advice given that my cars emissions are getting close to the mark.

I personally have always bought the main dealer for my car engine oil and filter and the oil still looks like it is when its being released from its container. Its not turned black in colour but stayed like a golden syrup type colour.

In the last 2 years or so too, I have been required to have 2 MOT's a year too as my car is now older than 10 years old but its never failed its MOT's.

If its the case that the local licensing department has assumed that Taxi's and Private Hire cars "are always on the go" and that is one of their reasons on wanting to apply these changes, then I think they have got this very wrong.

Since 2010 at the very least, in my experiences of working with local Taxi Companies, the amount of fares I get on average, is 1 an hour and I spend much more time parked up waiting to be given a fare than I do driving. I suspect its the same for most of my colleagues.

Even when I first started the job and over my first 5 years, we would only get back to back fares at certain times of the day/night, mainly the rush hour periods in the mornings and early evenings and then at weekends it varied as and when it was busy but it was mainly early evenings and when the pubs used to all close at 11pm.

During my time in the job, the amount of drivers and new companies entering the market locally seemed to keep on growing significantly until 2010 or so and it was no coincidence that the more drivers and companies that entered the market, the less amount of business each driver gets.

The Government changed the law in part in 2015 with the Deregulation Act and it was that law that allowed Uber to start placing their massive network of drivers across the country. It was because of the unfair advantages that law gave towards Uber, is why the Government in part formed the Task Group to look into Taxi Rules in general as so many drivers complained.

I would also like to make the point that because of the Covid outbreak and many people not working, that this has lead to a decrease in pollution levels too.

I have read via the website of Private Hire and Taxi Monthly, that three areas, Sheffield, Bristol and Leeds have suspended plans for a Clean Air Zone that they were going to go ahead with.

In addition to requesting/hoping DBC's councillors do not pass this part of the proposals, my alternative suggestions/points on this area of dealing with climate change is for DBC to look at bringing in a low emission zone later on in this decade and hopefully Covid 19 might have been dealt with by then too.

Until then, while the consequences of the Covid 19 outbreak is still occurring, its likely emissions be lower than they were before the outbreak.

Bear in mind the Government have declared they will ban the sale of new diesel and petrol cars from 2035 onwards and I read a few days ago, the Government are being asked to bring forward that ban to 2030.

I would also suggest the local licensing department make drivers/Taxi Companies aware of the grants that might be available to buy a hybrid plug in vehicle, though on that, I did see on the BBC's website a few days ago, that the Hybrid cars emit more emissions than originally thought.

I would not be able to afford a new car even with a grant given and I suspect while business is as patchy as it is, many drivers will not want to commit to such a cost in any case.

I would also point out that if the local licensing department think that Uber and their drivers might fill the gap, if local drivers are forced out of the job, then I would say not necessarily so.

A lot of my customers over the last few years who mainly use Uber now but sometimes still use Choice too, they have told me most of the Uber drivers they talk too, tell them, that they are originally from an EU country.

It is a question the public ask a lot to drivers in general, "where are you from/originally from". I certainly get asked that question a lot.

IF it is the case, that many of Uber's drivers are from an EU country, then bear in mind once the transitional period with the EU ends, EU countries and their citizens will face much stricter immigration rules and any company that enjoyed receiving a high amount of applications and subsequently workers from EU countries may no longer enjoy that so Uber over time may struggle to get drivers.

Also while some of Uber's cars are currently quite new (mainly because TFL require cars to be 5-7 years old maximum when licensed for the first time), their cars are likely to get older too.

Just because Uber's cars currently might be newish too does not mean they are necessarily being maintained well. Uber are busy because they potentially might charge a little less than local cars but the busier a company/driver is, the more wear and tear they incur too.

As Uber's cars are mainly licensed by TFL, DBC will not have much information available on the condition of their cars even if local enforcement officers get the right to pull them over and check them out. Its unlikely to get DBC the same information as if Uber's cars were licensed by DBC and had MOT's under DBC etc.

Even if Uber bring out driverless cars, I think they have overlooked bigtime they will have to pay to build them, maintain them and insure them, tax them, pay the licensing fees direct and even if their investors like Toyota provide them with cars, I think they are in for a rude awakening when they realise the profits in the Taxi industry is never that high.

I am very surprised in general with the ignorance there seems to be with those who invest in Uber and how much profit they must have wrongly assumed there is in the Taxi industry.

If local drivers are forced out in significant numbers before Uber might get driverless cars, then think of how that could affect DBC's finances re funding the licensing department and with Dacorum having lots of homes built over the next 15 years, if its made too difficult to be a Taxi Driver, will there be enough drivers to meet the demand?

I am going to conclude my representations on this major aspect here but I may well be making further submissions regarding other parts of the proposals.

Yours faithfully,

**[redacted]**

**52.**

From: **[redacted]**

Sent: 21 September 2020 09:58

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: Opposing the policy 18.1 /18.8

Dear drivers if you are having difficulties sending a email we have made a template that you can use and send to the committee. Please add your own details in the email template.

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenal public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

Sent from my iPhone

53.

**From: [redacted]**

**Sent:** 20 September 2020 20:41

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Taxi licence policy consultation

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8.

I am a Hackney carriage driver who has worked within the area for over 20 years and in the last few years our work has decreased due to the fact that the

1. Dacorum Borough Council moved the taxi rank from the main town centre to the back of the town and has negatively impacted trade
2. Unlicensed vehicles working in the area
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade. We feel the council should be taking greater responsibility to deal with this. If Reading Council can prohibit Uber, why can't Dacorum apply the same rules?

4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenel public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. With the effects of coronavirus still being strongly felt, we desperately seek support from the council to protect our local taxi trade.

This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

**[redacted]**

54.

From: **[redacted]**

Sent: 20 September 2020 19:27

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject:

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

Name **[redacted]**  
**[redacted]**

Sent from my iPhone

55.

From: [redacted]

Sent: 20 September 2020 19:27

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject:

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

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3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

Sent from my iPhone

56.

From: **[redacted]**

Sent: 19 September 2020 10:49

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject:

Sent from my Dear drivers if you are having difficulties sending a email we have made a template that you can use and send to the committee. Please add your own details in the email template.

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel, wear and tear ect . On top of that we have families to feed rents, electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

**57.**

From: **[redacted]**

Sent: 19 September 2020 08:56

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject:

Dear drivers if you are having difficulties sending a email we have made a template that you can use and send to the committee. Please add your own details in the email template.

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

**58.**

From: **[redacted]**

Sent: 18 September 2020 21:07

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject: New proposal of taxi licensing policy

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4.

Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date

we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

Sent from my iPhone

59.

**From: [redacted]**

**Sent:** 18 September 2020 17:36

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** New Taxi /Private hire licencing policy

Dear sir/madam

I am sending this email to object to your new emission policy. Clauses 18.1 to 18.8.

According to these clauses we have to change to euro 5 in 2021 and euro 6 2023 and then hybrid/electric 2025.

From my personal point of view I am driving a euro 3 at this moment and to do these changes so quickly I will not be able to manage it. The time scope is far too short. I could end up leaving taxi driving and as i am 50+in age and problems with my knees it will hard for me to find another job and I could end up on the dole.

I do understand that future is hybrid/electric and I have no objection for the council making policy towards it but I do object to the timing.

Due to this pandemic all the taxi/private hire drivers are struggling and finding alternatives eg food deliveries, parcel delivery etc to make end meet.and people in Taxis Licensing Dept are well aware of this.

I request you looking into timing and give some extra time to implement this policy.

You being our employer should be helping us at these hard times but you are doing the opposite.

Thank you

**[redacted]**

**60.**

**From: [redacted]**

**Sent:** 18 September 2020 17:04

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Objection

Dear licensing policy Committee

Iam writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

Iam a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During

this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are 1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenel public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

*[redacted]*

**61.**

From: *[redacted]*

Sent: 18 September 2020 17:01

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject:

Dear licensing policy Committee

I'm writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I'm a Hackney carriage driver who has worked within the area for over 20 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4.

Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like taxi insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenel public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

Name- **[redacted]**  
Address -**[redacted]**

**62.**

**From: [redacted]**

**Sent:** 18 September 2020 15:14

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Policy Changes

Dear Sirs

I am quite alarmed to see the taxi and private hire licensing policy draft. As previously stated and numerous emails to the licensing officers over a period of 20 years, it falls on deaf ears and blind eyes. I am seriously doubting if the licensing officers are fit for purpose. I have mostly sent emails to Richard Mabbitt and Ross Hill that the trade must be involved to better the experience for the customer, drivers and economics of Dacorum Borough.

Looking at your environmental policy I believe it is a step in the right direction for the future of the planet but as you are aware during these unprecedented times people are worried about jobs, housing and how to feed themselves before buying in to save the planet. I wonder who's brain wave for the emissions policy it was, if you can please let me know. Why would you have a 3 tier system starting 1.4.2021 to 1.04.2023 where there is a possibility of changing 3 vehicles. I personally believe as the largest operator in Hemel Hempstead that all Hackney carriages should be electric vehicles by 2028 and all private hire should be Hybrid vehicles by 2028. The council for Hackney vehicles should provide charging points at ranks and stations and also have the infrastructure in place before any regulation date is to be adhered to. For all the vehicles mentioned, the council, should be asking central government that the vehicles should be VAT free and should also have 5 years interest free payments to encourage drivers to fulfil the green change and save our planet.

As you are aware that in the current climate trade has dropped by 70% since we have returned from lockdown and prior to that the trade had dropped 98% during lockdown.

I have as an operator can say that the council's safety policy was very late off the starting blocks for drivers and operators. For the first 3 months there was no guidance what so ever. I believe in these current time a designated licencing office should be dealing with the taxi trade only. Going forward there needs to be a major shake up on how the taxi licencing officers operate.

I would also like to know why the update on any changes is not emailed separately to every single driver in the borough so they can have a say. It seems that the council are operating a policy find it if you can!

You have a duty to all drivers if and when you decide that there is going to be a change in the rules and regulations that every single driver should be informed of the changes and given a 90 day period for consultation.

Going forward we will not tolerate this behaviour from the licensing department, as you are accountable to us the drivers and operators and most importantly the residents of Dacorum.

Yours faithfully

**[redacted]**

**63.**

From: **[redacted]**

Sent: 18 September 2020 11:48

To: Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

Subject:

Sent from my Dear drivers if you are having difficulties sending a email we have made a template that you can use and send to the committee. Please add your own details in the email template.

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the 1. Town rank was moved causing major issues with the trade.

2. Unlicensed vehicles working in the area .

3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade 4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to general public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

**[redacted]**

64.

**From:** [redacted]

**Sent:** 17 September 2020 21:56

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Taxi licensing policy

**[redacted]**

**[redacted]**

Dear licensing policy committee

I am writing this email due to the concerns I have with the taxi licensing policy proposal, in sections like 18.1 and 18.8.

I have been Hackney carriage taxi driver for many years now, and in the recent years work has been decreasing, due to things like uber and unlicensed vehicles working in areas that they are not supposed to. Most importantly the coronavirus has caused many problems, leading people to lose their jobs and businesses.

Being a taxi driver, I work day by day to support myself, and income has been very low, with there being days where I hardly made anything. Taking this into account, I still have to pay for insurance, petrol, and bills. On top of that I have to keep my family supported and make sure they provided for.

In regards of sections 18.1 and 18.8, due to current situation and the drastic decrease of the economy, having to buy vehicle that is euro 5 emissions standard would cost huge amounts of money, then having to it change again it to euro 6 after some time does not make sense to me, and would cause many taxi drivers to become jobless and be left with no money, as many us are not able afford or upgrade to better vehicles

With all being said I'm sure there are many other reasons, but I think I speak for many taxi drivers out there. Please reconsider this policy, and I am urging you not implement this policy and place into affect at this current situation

**[redacted]**

65.

**From:** [redacted]

**Sent:** 17 September 2020 16:11

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Proposal for change taxi laws

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a private hire carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does this

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

Yours sincerely

**[redacted]**

66.

**From:** [redacted]

**Sent:** 17 September 2020 15:27

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Taxi licencing policy

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 25 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade
4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

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standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenal public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

**[redacted]**

67.

**From:** [redacted]

**Sent:** 17 September 2020 14:58

**To:** Licensing Policy Mailbox <licensingpolicy@dacorum.gov.uk>

**Subject:** Taxi licensing policy proposal

Dear licensing policy Committee

I am writing in regards to the proposal of the taxi licensing policy especially in section 18.1 to 18.8

I am a Hackney carriage driver who has worked within the area for over 10 years and in the last 5 years our work has decreased due to the fact that the

1. Town rank was moved causing major issues with the trade.
2. Unlicensed vehicles working in the area .
3. Uber working illegally in our Borough breaking all the bylaws and many other laws of the trade

4. Corona virus coronavirus pandemic which has completely destroyed the trade. During this pandemic our trade has gone down to 0% during the 4 month locked down and to this present date we are operating 12 hours shift with a max earning of around 30 to 40 pounds. With our earning being so low ,we still have expenditure like insurance, fuel,wear and tear ect . On top of that we have families to feed rents,electrics, gas and so on.

Taking in to account all the above . The reasons for the objection to clauses 18.1 to 18.8 are

1. financially unsustainable at the current level of the economic situation coming from all of the above that is mentioned furthermore for a driver to buy a vehicle which is euro 5 emissions standard will be between 12k to 16 k or more depending on the vehicle specification only to have to change to a euro 6 standard after a year which we can't do due to the current climate.

A euro 6 emissions standard vehicle will cost approximately 20k and above. Then the driver will have to change again in another 2 years to a hybrid/electric vehicle which would cost another 20k plus . So therefore this proposal does not make any sense to implement . It feels like the council are trying to scrap the trade . Many driver will be unable to afford or upgrade their taxis . Leading to many drivers being job less . Their are Currently over 450 driver in the Borough and this policy especially clause 18.1 to 18.8 will be detrimental to the trade and will cause 60% of driver to become job less as they will not be able to afford or upgrade these taxis.

Furthermore clause 18.5 suggests that a taxi can be modified to meet the emissions standards but unfortunately I have unable to find a company that does that. Secondly the other alternative is to use bio fuel which is unavailable to gerenel public and is only available to commercial trade like trucks and not for taxi drivers. Also there is no place where u can buy it from .

How can a driver buy 2 to 3 cars in a space of 3 years. Just so they can work and make a living . It does not make any sense. The cost of these taxis will be over 40k . When a average taxi driver make below 18k a year. This policy is unjust, unethical and not called for especially in the current pandemic climate.

We URGE the Council committee not to implement this policy especially in the current climate. This policy should be delayed until the pandemic is over and the economic situation becomes better.

**[redacted]**



Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

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# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### ‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a [responsible organisation](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 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.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

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

### Exploitation

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

### Offences involving violence against the person

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

### Possession of a weapon

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

### Sexual offences

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

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

### Dishonesty

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

## Drugs

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

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

## Discrimination

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

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

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

## 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.

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

**HMSP Coordinator Submission for additional content to be added to the Draft Taxi Licensing and Private Vehicle Policy (19/03/21). The below content should sit as a separate section under Part D: Operators.**

### **Exploitation and Modern Slavery**

Taxi and private vehicle operators and proprietors must be aware of and meeting their obligations under all relevant legislation, including the Modern Slavery Act 2015, The Conduct of Employment Agencies and Employment Businesses Regulations 2003 and the National Minimum Wage Act 1998.

#### **1.1 Overview**

**Modern slavery happens everywhere, including here in the UK. It operates in plain sight and can affect businesses without them even knowing. As covered within this strategy, drivers are on the frontline and may identify issues, which should be reported. However, it is also crucial that all businesses, including taxi and private vehicle operators, understand how they might be affected so that they can take steps to reduce the risk. Exploitation accounts for all situations that stray away from ‘decent work’, from labour market infringements and abuse, all the way to more severe forms of exploitation.**

1.2 Examples of labour market infringements that have been known to be experienced by drivers include: 1) Long hours, 2) insufficient pay (e.g. non-payment of minimum wage), 3) poor working conditions, 4) bogus self-employment; and 5) control by an unscrupulous third-party agency.

1.3 Other examples of labour market infringements include: 1) Lack of personal protective equipment (PPE); 2) Few or no breaks; 3) Demeaning treatment; 4) Retention of identity documents or valuable possessions, 5) Restriction of movement or confinement to the workplace; and 6) Threat of denunciation to authorities (mainly illegal migrant workers).

1.4 There are also specific examples of practice that sometimes occur within taxi and private hire businesses, which can create vulnerability and increase the risk of exploitation of drivers and office staff. Subcontracting of private hire vehicles is a common practice used by licensed operators during peak times but results in more opacity in terms of worker welfare because the operator will be using drivers that it doesn't directly employ in this scenario. It is important that licensed operators take account of their own anti-slavery policies and practices, as well as those of subcontractors and third-party agencies.

1.5 In line with being a signatory of the [Modern Slavery Charter](#), the Council is committed to ensuring that there is no exploitation in its supply chains. In the same vein, it is also committed to ensuring that there are no exploitative practices taking place in Dacorum by any local businesses. The Council expects all taxi and private vehicle operators to operate in line with UK labour laws. If an incident were discovered and it was clear that no prior action had been taken to prevent or mitigate the risk of exploitation, this would prompt an investigation by the Council. Appropriate enforcement action may be taken, where complaints of such are substantiated. Dependent upon the severity and circumstances of such incidents, action may include prosecution and/or suspension or revocation of licences.

1.6 Taxi and private vehicle operators should work to prevent labour exploitation and modern slavery by taking steps to mitigate the risks of exploitation and undertaking effective due diligence. This includes 1) promoting awareness of worker rights, 2) encouraging reporting of concerns by drivers and head office staff, by creating a clear internal reporting pathway that is understood by workers, 3) conducting internal checks and checks of subcontractors and 4) committing to upholding

high ethical standards. All worker communications should be translated into the languages that make up the operator's workforce. (For more information on how to undertake these steps, see the [Modern Slavery SME Toolkit](#))

1.7 The Council is working towards updating the license application form to include a section for operators to demonstrate how their business is or will take steps to reduce the risks of exploitation/modern slavery of staff and drivers, including confirming use of any third-party agencies (agencies include those used for recruitment, temporary employment, and services). Supporting this, we encourage all taxi operators to produce modern slavery transparency statements, which would publicly demonstrate the company's commitment to this. The council will publish its own modern slavery statement by the end of 2021.

1.9 Taxi and private vehicle operators should ensure the following at a minimum in order to mitigate risk of exploitation among its workers: 1) ensure clear reporting channels for grievances and whistleblowing and that workers are made aware of these procedures, 3) check payroll to ensure earnings are paid directly to drivers and any employees, that employees are being paid the national minimum wage at a minimum, and that no employees have paid any fees related to their recruitment, 4) raise awareness of the signs of exploitation with drivers and any employees. It is important to ensure that any independent contractors (e.g. self-employed taxi drivers) are in fact agreeing to a fair contract and where work, fare and contract termination are agreed by both parties.

1.10 Taxi and private vehicle operators should also conduct effective due diligence of any third-party agencies. Due diligence should be conducted on all agencies before working with them to ascertain what standards they have in place to protect workers. Checks should later be conducted directly with workers to ensure the agency is upholding the agreed standard.

1.11 Before working with a third-party agency, taxi and private vehicle operators should always check that:

- 1.11.1. The company is licensed to provide temporary labour to the hackney carriage and private hire vehicle sector.
- 1.11.2 The company's directors are not listed on the Employment Agency Standards Inspectorate's list of people that have been prohibited from running an employment agency/business due to past misconduct.
- 1.11.3 The company only subcontracts with an operator's authorisation and conducts their own due diligence on subcontractors when we give permission to subcontract.
- 1.11.4 The company has a clear commitment to not charging recruitment fees and to covering the cost of recruitment when sourcing workers from overseas.
- 1.11.5 The company has an accessible and transparent reporting mechanism that all workers can use to report concerns or issues.
- 1.11.6 The company provides information to their workers on what optional services they offer, how much they cost, and how the workers can refuse or cancel them without penalty.

1.12 In the course of working with a third-party provider of drivers, taxi and private hire operators should periodically review a sample of driver's key documents to ensure required labour standards are being met. Key documents to be reviewed could include: 1) payslips where relevant (i.e. to check that the number of hours match operator records, that all employees are being paid at least the NMW, that optional services are clearly indicated, and that correct taxes and national insurance contributions are being paid); and 2) right to work checks. Additionally,

taxi and private hire operators are encouraged to speak with all drivers and employees directly, on occasion, to ascertain if any labour market infringements have been made.

1.13 If a taxi or private vehicle operator identifies any concerns or irregularities, they should discuss this with the third-party agency to ensure they are rectified. If the agency refuses or fails to rectify the issues, the taxi or private vehicle operator should report their concerns to the council licensing team and to the Gangmasters and Labour Abuse Authority (GLAA): 0800 432 0804.

1.14 If a taxi or private vehicle operator wishes to seek advice or report concerns anonymously, then they can contact the 24/7 Modern Slavery and Exploitation Helpline on 08000 121 700 or via their website. This information should be shared with workers as well who may wish to report concerns.

### Timetable for Introduction of requirements

The below timetable is for any new requirements where timescales are not specified in the policy.

Where timescales do not appear below and no timescale is mentioned within the policy, it should be considered that the changes will take effect on the day that the policy comes into effect.

Policy change	Timescale for requirement to come into effect
Safeguarding and Disability Awareness Training to be in place	Training to be developed/made available as soon as possible.
Licensees to complete Safeguarding and Disability Awareness Training	Licensees to attend training within 12 months of it becoming available, or by the time their licence is due for renewal if this is more than 6 months after the training becomes available
Use of NR3 database	Officers to arrange for Dacorum Borough Council to be signed up to NR3 database as soon as possible, and to use for checks immediately once set up to do so.