

# Public Document Pack

## JOHN WARD

Head of Finance and Governance Services

Contact: Katherine Davis on 01243 534674

Email: kdavis@chichester.gov.uk

East Pallant House

1 East Pallant

Chichester

West Sussex

PO19 1TY

Tel: 01243 785166

www.chichester.gov.uk



A meeting of **General Licensing Committee** will be held in Committee Room 2, East Pallant House on **Thursday 24 June 2021 at 9.30 am**

MEMBERS: Mr G McAra (Chairman), Mr A Moss (Vice-Chairman), Mrs T Bangert, Mr J Elliott, Mr G Evans, Mrs S Lishman, Mr C Page, Mr H Potter, Mr A Sutton and Mrs S Taylor

## AGENDA

### Part 1

1 **Chairman's Announcements**

Any apologies for absence that have been received will be noted at this point.

2 **Minutes** (Pages 1 - 7)

To approve as a correct record the minutes of the General Licensing Committee meeting held on 10 February 2021.

3 **Urgent Items**

Chairman to announce any urgent items which due to special circumstances are to be dealt with under agenda item 7b.

4 **Declarations of Interests**

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Committee in respect of matters on the agenda or this meeting.

5 **Public Question Time**

Questions submitted by members of the public in writing by noon on the previous working day (for a period of up to 15 minutes).

6 **The Council's proposed Hackney Carriage and Private Hire Licensing Policy and Conditions 2021** (Pages 9 - 78)

That the revised proposed Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021 at Appendix C be approved, subject to any further amendments made by the General Licensing Committee.

7 **Consideration of any late items as follows:**

- (a) Items added to the agenda papers and made available for public inspection;
- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

8 **Exclusion of the press and public**

**Part 2**

(Items for which the press and public are/may be excluded)

There are no restricted items for consideration by the General Licensing Committee at this meeting.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers within Part 1 of the agenda on Chichester District Council's website at <http://www.chichester.gov.uk/committees>.
3. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
4. Subject to Covid-19 Risk Assessments members of the public are advised of the following:
  - a. Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
  - b. Where a member of the public has registered a question or statement they will be invited to submit the question or statement in advance to be read out by Democratic Services. They may attend the meeting but will be asked to sit in an allocated seat in the public gallery.
  - c. It is recommended that all those attending take a lateral flow test prior to the meeting.
  - d. All those attending the meeting will be required to wear face coverings and maintain social distancing when in the building/meeting room.
  - e. Members of the public must not attend any face to face meeting if they or

a member of their household have Covid-19 symptoms and/or are required to self-isolate

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Minutes of the meeting of the **General Licensing Committee** held virtually on Wednesday 10 February 2021 at 9.30 am

**Members Present:** Mr G McAra (Chairman), Mr A Moss (Vice-Chairman), Mrs T Bangert, Mr G Evans, Mr C Page, Mr H Potter, Mr A Sutton and Mrs S Taylor

**Members not present:** Mr J Elliott and Mr K Hughes

**In attendance by invitation:**

**Officers present:** Mr S Bingham (Licensing Technician), Ms G Di Lauro (Litigation and Licensing Lawyer), Mr L Foord (Divisional Manager for Communications, Licensing & Events), Miss S Hurr (Democratic Services Officer), Mr D Knowles-Ley (Licensing Manager) and Mr J Munday (Licensing Assistant)

## 34 **Chairman's Announcements**

The Chairman welcomed everyone to the virtual meeting.

Apologies had been received from Mr Hughes and Mr Elliot.

## 35 **Minutes**

That the minutes of the meeting held on 12 February 2021 with the following amendment:

In the Council's proposed revised House to House Collection Policy item, in penultimate paragraph, the word 'if' was changed to 'or' to read

'That the Committee approves the revised policy (which was generally revised every five years 'or' earlier if required).'

were approved and signed by the Chairman as a correct record.

## 36 **Urgent Items**

There were no urgent items.

## 37 **Declarations of Interests**

There were no declarations of interests.

38 **Public Question Time**

There were no public questions.

39 **Review of the Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy and Conditions**

Mr Knowles-Ley introduced the report and summarised the key points.

Mr Knowles-Ley began by introducing two colleagues from the Licensing Team, Steve Bingham, Licensing Technician and Jon Munday, Licensing Support Assistant.

Mr Knowles-Ley explained that prior to 2012 the council did not have a formal overall documented comprehensive policy in relation to Taxi and Private Hire licensing matters and operated with byelaws and conditions attached to the various licences. A decision was taken to create a number of draft policies relating to particular areas of taxi and private hire licensing specifically the licensing of drivers, vehicles and operators, with a separate convictions policy. Conditions that would be applied to each licence type were also developed. The various policies and conditions were subsequently approved by Committee in 2012 following extensive consultation with various stakeholders.

Mr Knowles-Ley further explained it had become evident that with the passage of time along with new and emerging challenges which had arisen since 2012, it was necessary to review current policies and conditions, to ensure they remained fit for purpose.

In July 2020, the Department for Transport (DfT) issued the 'Statutory Taxi & Private Hire Vehicle Standards'. The standards focused on the protection of children and vulnerable individuals who are over 18, from harm when using the services of a taxi or private hire operator. The guidance also afforded greater protection to all passengers. The DfT expected all recommendations within the standards to be implemented unless there was a compelling local reason not to do so.

Mr Knowles-Ley described how the review was conducted by initially assessing the contents of the existing six policy documents, and collating them into a single document. This was followed by a review of the new DfT standards and incorporating any necessary changes into the revised policy, including a specific annex titled 'Assessment of Previous Convictions' which indicated in order to be fully compliant with the standards the existing Conviction Policy required updating. Finally, a general update and revision was completed, to ensure longevity of the policy.

Mr Knowles-Ley made reference to the council's recently adopted Climate Emergency Detailed Action Plan, and the necessity to reduce the emissions and the subsequent impact that licensed vehicles had on the environment. The current requirement was that all new vehicles licensed for the first time, must be compliant with the Euro 4 emissions standards, however since the introduction of that

standard, Euro 5 and Euro 6 standards had been introduced which included more stringent emissions standards.

Mr Knowles-Ley drew Members' attention to the section of the revised policy which related to vehicle specification, age, appearance and environmental impact, and explained the proposal to require any new vehicle to be compliant with the current Euro standard or that immediately preceding it, and in addition, to introducing an overall age policy of ten years for such vehicles. With regards to existing licensed vehicles, the proposal was for there to be a five year transition period for existing vehicle licence holders to replace their vehicle. Mr Knowles-Ley added that full electric or hybrid vehicles were specifically welcomed. All policy changes aimed at reducing emissions had been included following consultation with the Environmental Protection Team, who were broadly supportive and were undertaking further work on modelling potential reduction of emissions, if the proposed policy came into effect. The Environmental Protection Team would be formally consulted on the draft policy if approved.

Mr Knowles-Ley confirmed that the intention was to consult widely with a variety of interested parties including existing licence holders, colleagues at Chichester Contract Services, the Driver and Vehicle Standards Agency, DfT, as well as other licensing authorities. All consultation responses would be reviewed, considered and a summary of responses prepared. The intention was that the summary of responses along with a revised proposed final policy, would be presented to Committee later this year for consideration and approval along with a set of revised conditions for the various licence types.

Mr Munday added that Euro Standards may change in the future following Brexit.

Mr Foord explained that he had very recently attended the online Local Government Association Annual Licensing Conference and the expectations of adoption of the DfT Standards had been clearly stated at the meeting. A robust reason would be required not to do so. Mr Foord further explained that the focus of the DfT was to monitor enforcement and compliance with the use of the conditions within the Standards. There was a significant need to provide consistency amongst individual authorities and Mr Foord advised that a representative of the council already attended the East and West Sussex Taxi Licensing Sub-Group at which the Standards had already been discussed.

Ms Di Lauro advised that the majority of taxi and private hire licensing legislation was very old domestic legislation which included the Local Government (Miscellaneous Provisions) Act 1976, and Town Police Clauses Act 1847. Newer legislation included the Equality Act 2010 and the Immigration Act 2016. Within the policy there were references to European Standards. In this respect, the European Union Withdrawal Act 2018 provided the legal framework for the continuity of retained European law in UK law. What was applicable previous to Brexit was still in place unless specifically excluded by the 2018 Act or Regulations and, as the policy referred to whatever legislation was in force at the time, it would therefore remain current.

Officers responded to Members' comments and questions:

With regards to whether at a future date there would be a requirement for all vehicles to be hybrid or electric, Mr Knowles-Ley responded that use of hybrid and electric vehicles was not prohibited but were expensive to purchase, with one known new electric Hackney Carriage costing £55,000. Mr Knowles-Ley added that there were not currently, electric vehicles of this type within the district and stressed that at this time there were only limited charging points. Mr Knowles-Ley advised that central Government policy was for petrol/diesel vehicles to be phased out by 2030.

On the matter of the installation of safety screens inside vehicles to provide Covid-19 protection, Mr Knowles-Ley confirmed that historically the council did not have a policy in relation to this matter. A number of enquiries had been received as a result of the pandemic and officers had undertaken research to establish if there was any current best practice in existence. A guidance document issued by Transport for London regarding the installation of safety screens in licensed vehicles had subsequently been identified and adopted, and was included within the revised policy. It was not mandatory to install a safety screen and Chichester Contract Services were continuing to offer free inspections for vehicles in which they had been installed.

On the matter of Disclosure and Barring Service (DBS) checks and other checks undertaken in relation to applicants and existing licence holders, Mr Knowles-Ley explained that it was possible for an applicant to make an application for a licence to many different local authorities. Therefore if one refused, an applicant may simply choose to apply to another neighbouring authority. In response to this issue, a central 'NR3 Register' had been established which was used by councils to record any application which was refused or licence which had been revoked. It was confirmed that officers had access to the NR3 register and could check the history of an applicant or existing licence holder. With respect to future DBS checks, Mr Knowles-Ley confirmed that the proposal was that all holders of a Driver's Licence would have to subscribe to the 'DBS Update Service'. The cost of this was a £13.00 annual fee paid directly to the DBS which would then enable as many checks as required to be conducted.

Mr Knowles-Ley also confirmed that passenger seats which tilted or required tilting to access other seats, were not permitted and there was no proposal to alter this requirement.

With regards to a conviction for the use of a hand-held mobile phone or hand-held device whilst driving, Mr Knowles-Ley confirmed that within the DfT standards and the proposed Convictions Policy, this was not regarded as a minor offence.

On the matter discussed at a recent webinar concerning an applicant taking up to ten attempts to pass the relevant Knowledge and Equality tests with considerable assistance provided, Mr Foord agreed that this was disappointing information and would not be permitted by the Council. The purpose of the licensing regime was to ensure that any applicant was 'fit and proper' to hold a licence. Mr Foord also confirmed that Southbourne would be added to the 'Places of Interest' stated at Annex 1 of the Council's Knowledge Test guidance.

With regards to safeguarding, Mr Knowles-Ley confirmed that the authority had a good relationship with existing licensed drivers, and that all new applicants had to sit and pass the Council's Knowledge Test which included elements of safeguarding. Mr Knowles-Ley confirmed that officers were confident that existing licence holders would report any safeguarding concerns to the Council and that these would be processed as appropriate. Mr Knowles-Ley added that the council was a member of the Multi-Agency Safeguarding Hub (MASH), and that he sat on the Joint Action Group (JAG) and Mr Foord as cited earlier during the meeting, on the East and West Sussex Licensing Liaison Group which included the taxi sub-group.

On the matter of capping the number of licenses issued, Mr Knowles-Ley confirmed that within the district there were currently 497 drivers, 338 vehicles and 51 operators. Mr Knowles-Ley added that the significant increase in recent years was following Uber Britannia Limited being granted an Operator's Licence in December 2016. Many holders of a Driver's Licence used them in relation to their secondary employment as they could fit driving work around other commitments. Mr Knowles-Ley advised that he did not consider that it was a necessity to cap the number of licences. With regards to Hackney Carriages, there were only 33 within the district and these could be hailed in the street and train station. There had been a significant increase in the provision of private hire licensing which was as a result of a number of licensed operators offering an 'App' based service to book a vehicle. It was confirmed that the use of space-saver spare wheels were included in the previous policy adopted in 2012 and this section had been transferred to the proposed revised policy. Space-saver spare wheels provided a greater capacity for luggage although it was expected that a new full-sized wheel was obtained and fitted as soon as possible. Mr Munday drew Members' attention to the relevant item in the report appendices relating to the use of space-saver wheels.

With regards to the use of hand held radios, Mr Bingham confirmed there was no legislation in relation to the Heavy Goods Vehicles using such, but in cars, they were only permitted to be used by Police Officers responding to an emergency situation.

With regards to the operation of a Hackney Carriage, Mr Knowles-Ley confirmed Hackney Carriages were licensed in the district in which they ordinarily ply for hire. However, it is permissible to carry a passenger to a location out of the district in which they were licensed, but they could not ply for hire outside of the district in which they were licensed. Those licensed drivers working for Uber could collect a passenger from any location, but the booking must be accepted and processed by way of the licensed operating base of Uber Britannia Limited located within the Chichester district.

On the matter of vehicle licence holders being exempt from displaying the ordinary identification plate and door signs on a licensed vehicle, Mr Knowles-Ley explained that the holder of a Private Hire Vehicle could make an application under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976. This application requested that they were granted an 'exemption' from displaying the usual plate and door signs on the licensed vehicle which in turn permitted them not to wear the normal badge evidencing that they were a licensed Private Hire Driver. Exemptions were only granted where it was expected and/or evidenced that a vehicle would be used solely and exclusively for chauffeured, 'high-end' executive,

or VIP work. Applications for exemptions were robustly challenged and currently there were only 36 exempt vehicles. Mr Knowles-Ley added that wedding and funeral cars did not fall under the licensing legislation.

With regards to MOTs, it was confirmed that these could be carried out at any garage, and the proposal was to require an MOT test to be conducted six monthly from when the vehicle reached three years (previously five years in age). The vehicle Fitness Tests were only carried out by Chichester Contract Services and there was no intention at this time to alter this. On the matter of dual drivers (those holding both a Hackney Carriage and Private Hire Driver's licence) Mr Knowles-Ley explained that this enabled an individual to drive either a licensed Hackney Carriage or Private Hire Vehicle. Mr Knowles-Ley also confirmed that all drivers were expected and required by law to accept passengers who were wheelchair users, and or had assistance dogs, and to assist with luggage unless an exemption had been granted. Mr Knowles-Ley confirmed that no such current exemptions had been granted

Ms Di Lauro advised that the Policy should state that it was to be reviewed every three years or five years, or as required, which ensured review of the policy whenever necessary. Ms Di Lauro also confirmed that in order for a driver to be exempt from carrying people using wheelchairs, and or assistance dogs or assisting with luggage, the licensing authority would require robust medical evidence. Such exemption was permitted under the Equality Act 2010.

Mr Knowles-Ley confirmed the DfT advised a review of policies at least once every five years or annually.

With regards to the age profile of vehicles currently licensed, Mr Knowles-Ley advised that 44 were under three years old, 68 between three and five years old, 161 between five and ten years old, 65 were over ten years old and the oldest vehicle was manufactured in 2005.

Mr Bingham confirmed that the authority worked closed with the Police and that an emergency procedure in respect of potentially revoking or suspending licences was in existence and had previously been used.

Ms Di Lauro drew Members' attention to the Agenda Update Sheet which amended the paragraph relating to the use of CCTV inside a vehicle and confirmed that drivers must ensure that any information captured is processed and stored in accordance with the General Data Protection Regulation and Data Protection Act 2018 and that sound recording should not be in operation unless an incident ensued, to protect the privacy of the passengers. Ms Di Lauro also advised that signage should be displayed within the vehicle informing passengers that CCTV was installed, and suggested that the actual wording of the signage was delegated to officers, which was agreed by the Committee.

**Resolved**

That the Committee approves and adopts for immediate use the proposed revised Convictions Policy, and approves the consultation for the proposed revised Policy and Conditions.

The Chairman closed the meeting, and commented that the revision of the policy had been a significant piece of work. The Chairman thanked the officers for their work and Members for their attendance, and providing practical comments and suggestions.

40 **Consideration of any late items as follows:**

There were no late items.

41 **Exclusion of the press and public**

There was no requirement to exclude the press and public at this meeting.

The meeting ended at 10.33 am

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CHAIRMAN

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Date:

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## Chichester District Council

### General Licensing Committee

24<sup>th</sup> June 2021

### Cabinet

6<sup>th</sup> July 2021

### Council

20<sup>th</sup> July 2021

## The Council's proposed Hackney Carriage and Private Hire Licensing Policy and Conditions 2021

### 1. Contacts

Report Authors:

David Knowles-Ley, Licensing Manager Tel: 01243 534743  
Email: [dknowles-ley@chichester.gov.uk](mailto:dknowles-ley@chichester.gov.uk)

Jon Munday, Licensing Support Assistant Tel: 01243 521090  
Email: [jmunday@chichester.gov.uk](mailto:jmunday@chichester.gov.uk)

#### Cabinet Member:

Councillor Alan Sutton – Cabinet Member for Housing, Communications, Licensing  
and Events  
Telephone: 01798 342452 E-mail: [asutton@chichester.gov.uk](mailto:asutton@chichester.gov.uk)

### 2. Executive Summary

To provide Members with an overview of the consultation responses received in relation to the Council's Draft Hackney Carriage and Private Hire Licensing Policy and Conditions 2021. To seek approval of the subsequently revised proposed Policy.

### 3. Recommendations

#### Recommendation to General Licensing Committee

- 3.1 That the revised proposed Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021 at Appendix C be approved, subject to any further amendments made by the General Licensing Committee.

#### Recommendation to Cabinet

- 3.2 That the revised proposed Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021 at Appendix C be approved, subject to any further amendments made by the General Licensing Committee.

## **Recommendation to Council**

- 3.3 That the revised proposed Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021 at Appendix C be approved, subject to any further amendments made by the General Licensing Committee and/or Cabinet.**

### **4. Background**

- 4.1 The Council's existing Policy and Conditions were formulated and adopted by the General Licensing Committee in 2012. It is essential that the Council continues to have a robust, fair, and clear Taxi and Private Hire Licensing framework that is fit for purpose. The Policy and Conditions must adequately consider and deal with any current and emerging issues and, ultimately, must meet the overriding objective of public safety. To that end it has been necessary to conduct a comprehensive review.
- 4.2 In July 2020, the Department for Transport (DfT) published the document entitled '*Statutory Taxi & Private Hire Vehicle Standards*' under section 177(1) of the Policing and Crime Act 2017. The focus of these Standards is on protecting children and vulnerable adults from harm, however naturally all passengers will benefit from any changes made as a result of their implementation. The document sets out a framework of policies to which Licensing Authorities must have regard when exercising their functions. The DfT expects all recommendations within the Standards to be implemented unless there is a compelling local reason to not do so.

### **5. Outcomes to be achieved**

- 5.1 The revised proposed Policy and Conditions shown at Appendix C will ensure that not only will the Council continue to comply with its duty to administer and enforce the various provisions relating to Taxi and Private Hire Licensing, but it will also comply with the DfT National Standards, along with assisting the Council in delivering its recent commitment to reduce greenhouse gas emissions.

### **6. Proposal**

- 6.1 In order that the Council fulfils its various statutory duties, it must have a clear licensing framework which is fit for purpose and adequately addresses all current and emerging issues. Such a Policy is essential to both the Council and those who apply for or hold a licence.
- 6.2 It is proposed that the revised Policy be adopted for a period of five (5) years, although kept under review throughout, and reviewed at an earlier time if deemed necessary.
- 6.3. Should the revised Policy be adopted, it will be necessary for the various Conditions attached to driver, vehicle and operator licences to be reviewed and updated to reflect any policy changes: Officers will attend to this as soon as possible after adoption of any revised Policy.
- 6.4 It is essential that Conditions attached to all licences remain appropriate and achieve the overriding objective of public safety. Therefore, Officers will keep Conditions under review and, where it is necessary to update any, such revision will then be reported to the General Licensing Committee.

## **7. Alternatives Considered**

- 7.1 No alternatives are available as the proposed revised Policy relates directly to the Council discharging its statutory duty to both administer and enforce the various statutory provisions relating to driver, vehicle, and operator licensing. The Council must have due regard to the DfT Standards, and the proposed Policy will align this Authority's practices and procedures with these.

## **8. Resources and Legal Implications**

It is expected that the proposed revised Policy will have a positive effect on all parties involved in the licensing regime: It will clearly set out the Council's position on Taxi and Private Hire Licensing matters.

## **9. Consultation**

- 9.1 A nine (9) week public consultation exercise was undertaken between 1 March 2021 and 2 May 2021 which engaged a wide range of interested parties:

- All holders of a current driver, vehicle or operator's licence;
- all Divisional Managers at Chichester District Council;
- Environmental Protection Team and Chichester Contract Services at Chichester District Council;
- West Sussex County Council (both Highway and Education teams);
- Department for Transport;
- Sussex Police;
- members of the East and West Sussex Licensing Liaison Group (this includes all Councils within both counties);
- Havant Borough Council, Portsmouth City Council, and Southampton City Council.
- National Association of Licensing and Enforcement Officers (NALEO);
- Driver and Vehicle Standards Agency (DVSA);
- current approved providers of the Driving Standards Agency driving assessment (Blue Lamp Trust, Sussex Taxi Training, and Castle School of Motoring);
- Chichester Access Group.

- 9.2 All consultees were advised of the consultation period and provided with a link to the draft Policy which was displayed on the Council's website.

- 9.3 A total of 13 written responses were received, 2 of which were from the same respondent: Included at Appendix A are copies of all responses.

- 9.4 All responses were recorded on the 'Register and Summary of Responses' document at Appendix B. All responses have been carefully considered by Officers and any appropriate changes believed necessary have been incorporated into the proposed revised Policy.

- 9.5 During the consultation period Officers also reviewed the draft Policy. A number of proposed additional amendments have been suggested and included within the proposed revised Policy, and these are summarised below:

- (i) Illegally-altered (e.g. ‘Clocked’) vehicles, i.e. something which calls into question the history of the vehicle, have been presented for Licensing, but there is no legislation to rebuff these, the only recourse being to require confirmation from the vehicle insurer of their being aware of the fact. Proposal to refuse applications where it appears that a vehicle has been illegally altered. **(Paragraph 20 of proposed policy)**
- (ii) Hackney Carriage Vehicles are required to have a min. 2mm tread on tyres, and no remoulds/ re-cuts. The proposal is to extend this same standard to Private Hire Vehicles with an additional requirement re tyre condition and prohibition of foreign objects in the tread. **(Paragraph 20.3 of proposed policy)**
- (iii) Passengers carried in a Hackney Carriage Vehicle are required to be visible from outside. The proposal is to extend this same standard to Private Hire Vehicles unless exception granted (e.g. for a stretched limo) with the written permission of the Licensing Authority. **(Paragraph 20.4 of proposed policy)**
- (iv) Currently there is no control in relation to the use of trailers, roof-boxes and roof-racks on a Licensed Vehicle, this being a safety concern. A general prohibition is to be applied in respect of trailers, roof-boxes, and roof-racks unless exception granted with the written permission of the Licensing Authority. **(Paragraph 20.5 of proposed policy)**
- (v) Registration marks must always comply with all legal requirements of spacing, font, and size. Additionally, where a personalised registration mark is to be applied to an already-licensed vehicle, then this process must be carefully managed to ensure that the Licence Plate always reflects the correct registration mark. The need to follow the Licensing Authority’s instructions to change a registration mark is explained. **(Paragraph 20.6 of proposed policy)**

**10. Community Impact and Corporate Risks**

None

**11. Other Implications**

	Yes	No
<b>Crime and Disorder</b>		✓
<b>Biodiversity and Climate Change Mitigation</b>		✓
<b>Human Rights and Equality Impact</b>		✓
<b>Safeguarding and Early Help</b>		✓
<b>General Data Protection Regulations (GDPR)</b>		✓
<b>Health and Wellbeing</b>		✓

**12. Appendices**

- Appendix A Consultation Responses.
- Appendix B Register and Summary of Responses.
- Appendix C Proposed Hackney Carriage and Private Hire Policy and Conditions 2021.

### 13. Background Papers

[Department for Transport \(DfT\) publication 'Statutory Taxi & Private Hire Vehicle Standards' \(July 2020\).](#)

Appendices (A-K) referred to within the Proposed Hackney Carriage and Private Hire Policy and Conditions 2021 were previously presented to General Licensing Committee at the 10<sup>th</sup> February 2021 meeting. These remain unchanged.

[BACKGROUND PAPERS\Appendix A - Hackney Carriage and Private Hire Vehicles - National Inspection Standards - August 2012.pdf](#)

[BACKGROUND PAPERS\Appendix B - Conditions relating to the Construction and Licensing of Hackney Carriages - December 2012.pdf](#)

[BACKGROUND PAPERS\Appendix C - Hackney Carriage Byelaws \(v2\) \(10.02.21\).pdf](#)

[BACKGROUND PAPERS\Appendix D - Fees \(v1\) \(27.01.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix E - Convictions Policy \(v1\) \(10.02.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix F - Knowledge Test \(v2\) \(10.02.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix G - Guidelines for Private Hire Vehicle Safety Partition Screens \(v2\) \(24.06.2020\).pdf](#)

[BACKGROUND PAPERS\Appendix H - Seating Configurations.pdf](#)

[BACKGROUND PAPERS\Appendix I - Private Hire Driver Licence Conditions \(v2\) \(10.02.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix J - Private Hire Vehicle Licence Conditions \(v2\) \(10.02.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix K - Private Hire Operators Licence Conditions \(v2\) \(10.02.2021\).pdf](#)

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TPR1

**From:** Rogate Cars <[REDACTED]>  
**Sent:** Monday, March 1, 2021 10:31 PM  
**To:** Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
**Subject:** Mot & Fitness testing

Hi

The only comment I would like to make, is that I believe you should use other garages for fitness and MOTs. ( still use your garage as well )

Hampshire and other licensing authorities have quite a few registered garages for the above.

I appreciate it will knock your income, but we struggle with just having fitness tests on certain days not 5 days a week. Perhaps put your services up to a 6 day working week like all other garages.

Thanks Kevin Farren

Rogate & Midhurst Cars [REDACTED]  
[REDACTED]

## TPR2

**From:** Sean M (Uber) <[REDACTED]>  
**Sent:** Tuesday, March 2, 2021 8:59 AM  
**To:** Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
**Subject:** Re: Consultation - Draft revised Hackney Carriage and Private Hire Policy and Conditions



Your request (77323) has been updated. To add additional comments, reply to this email.



**Sean M (Uber)**

Mar 2, 2021, 8:59 GMT

Hi Licensing Team,

Thank you for bringing this to our attention. We will ensure to take the appropriate action.

If there is anything else we can do to assist in this regard, please don't hesitate to let us know.

Kind regards,

Sean M

TPR3

From: kim mullen <[REDACTED]>  
Sent: Wednesday, March 3, 2021 9:55 AM  
To: Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
Subject: Re: Consultation - Draft revised Hackney Carriage and Private Hire Policy and Conditions  
From Kim Mullen  
Badge no [REDACTED]  
Station Taxis  
Reg no. [REDACTED]

Dear sir/madam

Section. Part D section 20

In reply to your email 1-3-21 regarding vehicles over 10 years old, which have to be replaced when the vehicle is 10 years old.

Vehicles have been given a 5 year term before replacement is necessary, this is unfair to drivers of newer vehicles. There are several vehicles working the rank at the station that are 2008 and 2009 registered vehicles, this means that those vehicles will be 17-18 years old when they will need to be replaced. This seems that driver's of newer vehicles are being penalised for having newer vehicles.

I will need to replace my vehicle when it is 10 years old. This seems totally unfair and discriminatory to those newer vehicles.

Surely staggering this replacement of vehicles should be considered.

Yours Sincerely

Kim Mullen

[Sent from Yahoo Mail for iPhone](#)

TPR4

From: Central Cars <[REDACTED]>  
Sent: Wednesday, March 3, 2021 10:14 AM  
To: Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
Subject: 'Hackney Carriage/Private Hire Policy Consultation Response  
Attn David Knowles-Ley

David,

With reference to the above can you please clarify the following :-

**Licence holders will be required to conduct and evidence that Basic DBS Criminal Record checks have been conducted on booking & dispatch staff, and maintain a record of such checks for inspection by this Licensing Authority**

At the start of lockdown in March 2020 we vacated our office and all of our operating staff now work remotely from home. They do not have face to face contact with any customers - all their work is carried out on the phone. We do not anticipate returning the staff to an office in the foreseeable future and wonder if and why a DBS check is necessary. All of our operating staff have worked for us in excess of 10 years.

Look forward to hearing from you  
Carole Foster  
Central Cars

## TPR5

**From:** adrian arnell <[REDACTED]>  
**Sent:** Wednesday, March 3, 2021 1:16 PM  
**To:** Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>

**Subject:** Re: Consultation - Draft revised Hackney Carriage and Private Hire Policy and Conditions

Hi There i could not find section 20 which relates to the text below and was wondering how this effects a 5 year old taxi in the long term thank you.

Currently, vehicles proposed for licensing must either be compliant with the Euro IV emissions standard or have been previously licensed. The proposal is to require that vehicles the subject of a new vehicle licence application (irrespective of whether or not previously licensed) must comply with the current or immediately preceding Euro emissions standard (or any subsequent standard replacing it) and will only be licensed up to a maximum of ten years from date of first registration. Existing licensed vehicles will benefit from a five year transitional period which will allow licence holders time to prepare to replace their vehicle(s). **(Section 20 of the policy)**

**Adrian Arnell**

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## TPR6

**From:** John Hoole  
**Sent:** 04 March 2021 14:12  
**To:** David Knowles-Ley  
**Cc:** Steve Bingham; Jon Munday  
**Subject:** Drivers

David

Both myself Simon and Andrew are having difficulty now with drivers turning up who can't speak any English, it takes up a lot of our time trying to explain stuff to them which they do not understand. Could you please include an English language qualification into the entrance exam, it would make our lives at the depot a lot easier,

Regards



**John Hoole**  
Transport Manager  
Vehicle and Plant Workshop  
Chichester District Council

Ext: 21183 | Tel: 07766206522 | [jhoole@chichester.gov.uk](mailto:jhoole@chichester.gov.uk) | Fax: 01243 532695

<http://www.chichester.gov.uk>

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TPR7

From: Katy Fletcher [REDACTED]  
Sent: Monday, March 15, 2021 2:39 PM  
To: Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
Subject: Consultation response

Dear Sir/ madam

I have read the changes regarding the licensing of private hire/ hackney cabs. I was disappointed to find that there was no change to the requirement that every private hire driver needs a medical every year after the age of 60 years.

I have written to you on this matter before and I was told that when the consultation period arrived this matter would be considered but I have found no mention of it.

At this time with the coronavirus constrictions and having survived three lockdowns I am still in business but there is no work. I am now 62 years old and do not get my pension until I am 66 years old therefore I will have to continue to work maybe until I am 70 years old. To have to pay for a medical each year at the cost of £120 each time when I have no underlying health conditions seems to me to be an unnecessary expense and one at this time that I could do without on an annual basis.

Last year I could not get a medical until October - it was due in July! And I will have to get another one this July which makes it less than a year!

Again I wrote to your department last year about this but received no response.

We have all these expenses to pay - licences from CDC , car tax, insurance, fitness tests MOTs and servicing etc and we can't even work!

I would like to request an exemption from my next medical in view of the current situation and a review of all our expenses already paid for this year with no work. I am sure I am not the only taxi driver who is in this position and it would be great to have your support or a gesture of goodwill towards me and my fellow workers.

Regards

Katy Fletcher

Sent from my iPhone

TPR8

**From:** The office Rogate and Midhurst Cars [REDACTED]  
**Sent:** Wednesday, March 17, 2021 11:31 AM  
**To:** Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
**Cc:** David Knowles-Ley <[Dknowles-Ley@chichester.gov.uk](mailto:Dknowles-Ley@chichester.gov.uk)>  
**Subject:** RE MOT Test advisories ,

Good Morning

Thank you for the last email, is there still time to have my say before this not thought out properly

Legislation becomes legal.

I am not against the idea but I think it needs tweaking, as the last legalisation I campaigned to get it removed, as Chichester district council was putting lives at risk.

I cant see how a Taxi Licencing officer can make a mechanical decision, too in force in Monitor and repair if necessary (advisories ) on the MOT if it gets mentioned twice in a yearly period.

If there is a defect which is dangerous or liable to be dangerous it would fail, a high per portion of MOT testers see the advisory sheet and duplicate the wording if they see the part hasn't been replaced. Things like a stone chip in zone b on a windscreen would be a waste of money to replace, but would a local council taxi admin officer have the knowledge to say replace or its structurally ok.

Don't get me wrong I think it is good to raise standards, but it needs to be implemented with common sense and to have qualified vosa approved people making the decision.

Many thanks Kevin Farren

Sent from [Mail](#) for Windows 10

## TPR9

**From:** Enzo Caira [REDACTED]  
**Sent:** Thursday, March 18, 2021 10:59 AM  
**To:** Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
**Subject:** Subject : Hackney Carriage/Private Hire Policy Consultation Response'  
Dear Sir/Madam

I wish to comment with regard to Annex 1, Vehicles, Section 20 of the policy.

If I understand this correctly, these proposals mean that the 65 Plate Vehicle I bought in 2019 will have its final licence in 2024 when it will be 9 years old. I will finish paying the finance in 2024, at which time I will be required to finance another vehicle less than 10 years old to continue operating as a Hackney vehicle in Chichester.

In the meantime there will be a substantial number of vehicles that are currently over 10 years old having the benefit of a further 5 year "transitional period" in order to make provisions to replace their vehicles.

If these proposals come into force this year (2021), it means that whilst I am unable to Licence a 10 year old vehicle after 2024, there will be vehicles over 15 years old being allowed to renew their current Hackney Licence up until 2026.

These proposals are heavily weighted in favour of Drivers who have made no significant investment in recent years, and are punitive towards those of us who have made recent major financial commitments to our trade.

Regards

Enzo Caira  
Tel: [REDACTED]

## DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE

### POLICY AND CONDITIONS 2021 – CDC Climate Change Officer Response

#### Introduction

This response concerns Section 20 of the consultation document. The draft policy in Section 20 has been modelled to assess if it would aid meeting CDC's district wide target to reduce greenhouse gas emissions.

#### Background

To provide some background to the target, in July 2019 CDC declared a Climate Emergency. This led to the production of an initial action plan that was approved by full council in January 2020. The action plan contained a target of reducing greenhouse gas emissions in the district by 10% year on year until 2025. Taking the year in which the emergency was declared (2018-2019) as the base year, this would lead to cumulative reductions of 47% by 2020-2021.

Section 20 states that all vehicles must comply with the current or immediately preceding Euro emissions standard (or any subsequent standard replacing it) at the point of application to be licensed for the first time. The draft policy would also apply to vehicles whose registration is being renewed (see Section 20 for specifically how it would apply) after a five year transition period.

#### Modelling

In the modelling it is assumed that the draft policy is implemented on October 2021. The transition period would therefore end in October 2026. The model only tests whether the new policy will lead to a 47% annual reduction in emissions from the base year. This is because it is not known when taxi-drivers will change their vehicles in response to the new policy. So the model assumes that they wait until the deadline before complying. Therefore it does not test whether the policy will lead to the 10 % year-on-year reduction in emissions which is better for reducing climate change. This is a weakness due to one of many pieces of missing information. The key data gaps are outlined next.

By 2026, it is expected that a new Euro emissions standard (Euro 7) will be in place replacing the current latest standard Euro 6. A difficulty with modelling the effect of the policy is that the carbon dioxide emission ceiling for Euro 7 vehicles is not yet known and expert advice has had to be sought for a prediction. Hence it is assumed Euro 7 will be 50gCO<sub>2</sub>/km.

A second point to make is that the number of taxis, specifically Private Hire Vehicles, licensed by CDC grew significantly in pre-Covid years. The reason this is important is that a growth in the number of vehicles licensed as taxis will reduce or even possibly eliminate any emission reductions due to higher emission standards.

Based on discussions with the Licensing team, this growth has been attributed to Uber selecting Chichester District Council as one of the councils at which gets its vehicles licensed. This decision by Uber took effect in December 2016. In the following year, the number of taxis licensed by CDC grew by 9%, and subsequently 13% growth (2018), and 13% (2019). Prior to Uber joining growth was 3-4% pa. It has been assumed that in future growth will return to a pre-Covid average rate of 12% a year. However, Uber will have to decide in December 2021 whether to renew its use of CDC as a licensing hub.

As Uber does not use every local authority as a licensing hub, this raised the question of whether more vehicles with addresses outside of Chichester district were being licensed by CDC. This is important because vehicles with addresses some distance from Chichester district are unlikely to do much mileage in Chichester and therefore their emissions would not count towards our target. Available data suggests that CDC has been licensing a greater percentage of vehicles in non-neighbouring local authorities e.g. Southampton, Portsmouth, even Walsall. However, the percentage of vehicles in neighbouring authorities has reduced by a commensurate amount. The initial conclusion is that pre-Covid there was roughly equal percentage increase in the numbers of taxis with addresses inside and outside of the district.

In estimating the carbon dioxide emissions from the draft policy, I have assumed:

- 75% of the mileage of those taxis registered in Chichester district takes place in the district.
- 25% of the mileage of those registered in adjacent local authorities (Havant, Arun, Horsham, Waverley, East Hants) takes place in the district.
- 0% of the mileage of those registered in non-adjacent local authorities takes place in the district.

This assumption on mileage has been applied in a model that goes to 2027, a year after the transition period has ended.

It has already been agreed with the Licensing Manager that this modelling will be repeated annually, progressively reducing the data gaps and that the Climate Change Officer will contact the University of Chichester to see if a student/s are interested in improving the model as a research project.

## Results

Looking at 2027, emissions will hardly be reduced (-4%) if vehicles switch to Euro 6. If they switch to Euro 7, emissions will be reduced by 34%. This is considerably better, but the target is for emissions to have reduced by 47% by 2025.

## Conclusions

These numbers show that other actions in the district will have to make up for a shortfall in emissions reductions if vehicles are replaced by Euro 6 vehicles rather than vehicles with emissions at 50gCO<sub>2</sub>/km, the assumed rate for Euro 7. That will be difficult as the scale of change required in all sectors is already very challenging.

It is therefore vital that CDC encourages vehicles to be switched for vehicles with emissions at 50gCO<sub>2</sub>/km or lower. This will also be difficult because taxi-drivers are expected to buy second-hand vehicles rather than new and the second-hand market in vehicles with emissions of 50gCO<sub>2</sub>/km or lower is small. Therefore the following paragraphs outline some suggestions in trying to make it more feasible for taxi-drivers to make the switch.

## Recommendations

The suggestions draw heavily on a comprehensive report which was produced by Uber in 2020. Uber – the largest mobility platform in the world - has made the following commitment: by 2040, all rides on its platform across all global markets will be in vehicles without any exhaust emissions - whether it is a car, bike or scooter - or on public transport. In Europe specifically it is attempting to make faster progress. Its focus is battery electric vehicles (BEV) with no exhaust emissions i.e. it excludes hybrid EVs.

### Proposal 1: Reduced fees for lower emitting vehicles

Have a differentiated set of charges for licensing and renewal depending on gCO<sub>2</sub>/km of the vehicle. The average emissions of CDC licensed taxis is 139g CO<sub>2</sub>/km (2 September 2020). All vehicles with emissions above the mean average could pay more offsetting reduced rates for those below the mean average.

### Proposal 2: Install EV chargers near homes of EV taxi drivers

West Sussex County Council is responsible for rolling out roadside electric vehicle charge points. The council could prioritise the installation of charge-points near the homes of taxi-drivers interested in using electric. The recommendation is to resume the discussion with WSCC on this proposal.

Drivers prefer charge-points located where they park their vehicles overnight. Uber identifies the lack of appropriate charging as one of its three key barriers to BEV adoption. Uber makes the point that high-kilometre commercial drivers usually do not live in homes with their own driveway enabling them to install their own EV charge-point, so they are reliant on public infrastructure. Furthermore the charge-point needs to be located close to their home or they lose earning time in travelling to and from the charge-point.

A system could be set up so that these drivers could request that a charge-point is located near their home if they have committed to switching to an EV. While it would not be possible to guarantee them access to a public resource, setting up EV charge-points in groups of two would increase their chances of getting access when they need to and installing two at the same time would offer economies of scale. Prioritising high-kilometre commercial drivers over domestic car users makes environmental sense as they drive more. Furthermore, **providing charging at the request of a driver (or group of drivers) guarantees the**

demand needed to make the case for investment (Uber 2020). Uber has said it can provide aggregated data on where charging for its drivers may be required.

#### Proposal 3: A “try before you buy” day

Brighton & Hove City Council surveyed taxi drivers and found that their biggest concern about switching to EVs was that they would be low or sluggish to drive followed by them being expensive to run. This could be addressed by a “try before you buy day”. Taxi drivers would be invited to test out EVs. CDC could have laptops on hand to calculate the Whole Life Costing of the vehicles to drivers using the software that is already available on the CDC website.

#### Proposal 4: Look at ways to reduce the capital cost of EV

The Government has a [plug-in grant scheme](#) to incentivise electric vehicle purchase. It varies according to the vehicle and ranges from £2,500 to £7,500. It covers purpose built taxis as well as passenger cars and vans. However, electric vehicles are still more expensive than their petrol and diesel alternatives. So four options have been presented, all of which would require development to assess their feasibility.

Some councils (Southampton City Council and Eastleigh Borough Council) have offered cash back for replacement of a more polluting taxis with a low emission alternative. The amount of cash back varies between £1,500 and £3,000 depending on the alternative (Low Emission Taxi Guide p16). The reduction in greenhouse gases per pound spent could be estimated to see if this represented value for money. An alternative would be to work with a regulated financial intermediary to offer no-interest loans underwritten by the council.

A third option would be to introduce EV leasing businesses to taxi-drivers by organising a workshop at which leasing businesses can present their offers and taxi-drivers can have help in assessing the running costs of EV versus petrol/diesel vehicles.

A fourth option would be to look at an initiative of Oxford City Council. It has helped drivers offset the cost of switching to an EV by helping them to secure on car advertising.

#### Proposal 5: EV rapid charger at Chichester rail station taxi rank

It might reassure driver anxieties about being caught short of battery power if a rapid charger was available at the train station taxi rank. A rapid charger is much more expensive than slow or fast chargers at £20k-40k. Oxford City Council was proposing to install four across the city with priority for taxis. We could ask how this priority works and how the initiative has gone.

#### Sources

- [Uber report](#) “Spark! Partnering to Electrify in Europe” published in September 2020 in which Uber committed itself to assisting with the substantial electrification of vehicles in Europe on the Uber app. See Executive Summary p11-19.

- [“The Low Emission Taxi Guide - Helping local authorities implement low emission taxi and private hire vehicle schemes”](#) from the Low Carbon Vehicle Partnership and Energy Saving Trust. Published in 2018. Particularly p16-25.
- “Engaging with the taxi trade - the switch to electric vehicles” a presentation by Paul Nicholls of Brighton & Hove City Council in January 2019. All relevant
- [“Taxi and Private Hire Action Plan 2016”](#) from Mayor for London and Transport for London. See page 11.

TPR11

From: Owen Watkins [REDACTED]  
Sent: Thursday, April 29, 2021 10:34 AM  
To: Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
Subject: Hackney Carriage/Private Hire Policy Consultation Response

[Next](#) [Last](#)

O.J. WATKINS  
[REDACTED] ACE,

DATE : 29/04/2021  
Tel: [REDACTED]

Section 20

Only allowing a Hackney Carriage to be licensed up to an age of 10 years could detrimental to the trade for the following reasons.

1) The cost of a brand new Hackney Carriage including interest on a five year finance plan plus a £1000 deposit is about £43,600.00. Thus on a 10 year lifespan this equates to £4,360 per annum just for the vehicle. A lot of current and prospective drivers would find these costs excessive and quite possibly totally unworkable by the time you add in the other standing costs such as Insurance, Road Tax, Rank Permit, Licensing Fees, Tyres and Servicing.

2) With reference to the above there is a real possibility that the Taxi Fleet will shrink. The knock on effect of this would be lack of availability and a lack of WAV vehicles wether they be off the rank or off the phone.

In conclusion I would rather see a London type of system whereby Euro 6, Electric and LPG Conversions have a 15 year lifespan. This would make it more workable for the Trade and keep the supply of taxis and WAV's at a higher level.

[Sent from Yahoo Mail for iPad](#)

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LEGAL DISCLAIMER

TPR12

From: Farshad Ahmadian [redacted]  
Sent: Sunday, May 2, 2021 6:19 PM  
To: Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
Subject: Hackney Carriage/Private Hire Policy Consultation Response  
Farshad Ahmadian  
Tel: [redacted]  
[redacted]

Dear sir

Reference your email of March 1st concerning the changes to the current licensing standards for Hackney Carriage and Private Hire, I have the following comment for your consideration.

I do not agree with the age limits for Hackney Carriage and Private Hire Vehicles as the 10 year limit does not reduce pollution or improve on any safety. An effective and responsible organisation would implement the latest Euro standards for all vehicles especially Euro 6 for diesel vehicles to reduce pollution and improve safety.

An upto 10 year old vehicle could have very high mileage (over 500k) and be unsafe due to the lack of unscheduled testing or inspection. Some Private Hire Vehicles Licenced by CDC are driven in other cities outside CDC area without any regards to conditions or standards set by CDC. They exchange or borrow safety equipments to get through the CDC test and then the are not seen for another year to 6 month depending on their next test schedule.

I also object to the 5 year time limit you have given to all Hackney Carriage Vehicles despite their age or condition. This will have the highest financial impact on some of us especially as our vehicles have recently been purchased to comply with the latest standards set by Transport for London which is higher than CDC. Basically my £25,000 investment is getting the same limit as the £700 investment recently someone purchased from London.

I personally feel that the CDC should have more none schedule road testing, improve on their inspection (no rust, no dent, good paint, no internal tear or defects, ext) or taking a ride in the vehicles instead of a 10 year old age limits across the board. The perfect example of bad cars and drivers under 10 years old are Arun District Council vehicles.

Clean and well presented Cabs and drivers should also be your drive for further improvements like what it used to be in Chichester.

I hope someone will take note of my comments and this email will not be field under "B" for bin!

Kind regards  
Farshad Ahmadian  
Tel: [redacted]

## TPR13

From: Jim Rendall [redacted]  
Sent: Sunday, May 2, 2021 7:48 PM  
To: Taxilicensing <[Taxilicensing@chichester.gov.uk](mailto:Taxilicensing@chichester.gov.uk)>  
Subject: Hackney Carriage/Private Hire Policy Consultation Response  
J Rendall.

Next Last

Tel: [redacted]

DATE 2/4/21

Section 20

The decision of only allowing a Hackney Carriage vehicle to reach 10 years of age before it can no longer work in Chichester will, in my opinion, be detrimental to the Hackney Carriage trade in the district and, more than likely, bring about an end to "black cabs" in this city. My main 2 reasons for believing this are set out below.

The cost.

To purchase a brand new purpose built taxi, over 5 years with interest payments, would cost somewhere around £43,500.

On a 10 year lifespan, just for the vehicle and NOT including insurance, MOTS, fitness tests, servicing, fuel and tyres, you'll be looking at around £4,350 per year. Add to that the listed items above and driving a black cab becomes VERY expensive, to the point where a new driver joining the trade would have to seriously think whether it is worth it, or have some major cash behind them to start with. And thats not to mention current drivers who will have to upgrade to a new vehicle when theirs reaches the age limit.

The loss of vehicles and drivers and wheelchair access.

With these new regulations in place I believe the number of drivers and vehicles on the road will diminish greatly and will, thusly diminish the number of wheelchair accessible vehicles in the district available for disabled passengers as private hire are not generally "wheelchair friendly." By that I mean there are not many private hire vehicles that a wheelchair can fit into, either with the disabled person still in it or just the wheelchair in the boot. And there are some disabled people who are unable to get out their chairs so these people will be effectively barred from taxis in Chichester.

Conclusion.

In conclusion I believe a better system would be to adopt a London style system whereby Euro 6, Electric and LPG conversions have at least a 15 year lifespan. After that time frame has passed I believe vehicles should be judged individually on their suitability to continue working ie. bodywork, chassis, interior condition. There is no rule that states a driver must stop working at a certain age, as long as he/she can still pass the necessary medical requirements. Why can't a vehicle be treated in the same way? As long as it can pass the necessary mechanical tests, national emission laws and looks neat and tide, no big rust patches etc, why can't it keep working?

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**Register and Summary of Responses to consultation exercise on the Draft revised Hackney Carriage and Private Hire Policy and Conditions (Consultation Period – 1<sup>st</sup> March 2021 to 2<sup>nd</sup> May 2021 inclusive)**

<b>Ref.</b>	<b>Respondent</b>	<b>Date Received</b>	<b>Comment(s)</b>	<b>Licensing Authority Appraisal</b>	<b>Licensing Authority Response</b>
<b>TPR1</b>	Kevin Farren Rogate Cars (Licence Holder)	01/03/2021	Paragraph 21.3		
			(a) Use other garages for MOT and Fitness Tests;	(a) MOTs can already be undertaken at any Driver and Vehicle Standards Agency (DVSA) approved MOT testing station and there is no proposal to change this. Regarding Fitness Test, CCS is independent and verifiable.	(a) No change required to proposed Policy.
			(b) Fitness Tests 6 days/ week.	(b) CCS amenable to the idea subject to volume of work and availability of staff.	(b) No change required to proposed Policy.
<b>TPR2</b>	'Sean M' Uber	02/03/2021	(a) Acknowledging receipt of consultation, however no comments at this stage.	(a) Noted.	(a) N/A

<p><b>TPR3</b></p>	<p>Kim Mullen Station Taxis (Licence holder)</p>	<p>03/03/2021</p>	<p>Paragraph 20</p> <p>(a) Age limit unfair for newer vehicles.</p>	<p>(a) Due to the ongoing climate emergency, there is an urgent need to reduce emissions, and it is necessary to improve/ reduce emissions arising from Taxi and Private Hire vehicles: The proposed 10 year age limit is one mechanism for achieving this with ongoing pollution-reducing improvements in engine design.</p> <p>An already-planned transitional concession is that all existing vehicles over 4 years old will be eligible for a 5 year extension, irrespective of their current age, this to allow existing Licensed proprietors time to plan for replacing vehicle(s). The proposed 10 year age limit for new Applications is considered fair and balanced, also taking into account such other factors as wear &amp; tear on bodywork &amp; interior trim, as well as ongoing improvements in design &amp; safety.</p>	<p>(a) No change required to proposed Policy.</p>
<p><b>TPR4</b></p>	<p>Carole Foster Central Cars (on behalf of Licence holder)</p>	<p>03/03/2021</p>	<p>Paragraph 38</p> <p>(a) Operator staff not public-facing as on phones, so why the requirement for DBS checks?</p>	<p>(a) All Booking &amp; Dispatch staff are public-facing: This is a specific requirement of s.8.7 to 8.12 of the Department for Transport's 'Statutory Taxi &amp; Private Hire Standards' (July 2020)</p>	<p>(a) No change required to proposed Policy.</p>

<b>TPR5</b>	Adrian Arnell (Licence holder)	03/03/2021	(a) Unable to find paragraph in Draft Policy.	(a) The respondent was not looking at the Draft Policy itself: emailed 04/03/2021 with instructions & web link.	(a) N/A
<b>TPR6</b>	John Hoole (Workshop Manager) Chichester Contract Services	04/03/2021	(a) All new applicants should be required to pass an English comprehension test.	(a) Requirement already included within proposed Policy at Paragraph 12. In addition, there is a general and overriding requirement that all licence holders are, and remain, 'fit and proper'.	(a) No change required to proposed Policy.

<p>TPR7</p>	<p>Katy Fletcher (Licence holder)</p>	<p>15/03/2021</p>	<p>Paragraph 14</p> <p>(a) Unfair that an annual medical examination is required for 60+ age group.</p>	<p>(a) The current requirement is that all applicants/ Licensed Drivers must meet the Driver and Vehicle Licensing Agency (DVLA) Group 2 vocational standard. Group 2 is applied by DVLA in respect of individuals it licenses to drive large lorries and buses. To evidence that an individual meets the Group 2 Standard, currently CDC requires a completed D4 Medical Examination report upon initial application, and then every 4 years up until the age of 60, thereafter an annual check. DVLA now requires checks for Group 2 drivers that it licenses every 5 years, and annually from age 65: It is appropriate to align with this. Positively, locally this increased age change should be coupled with an amended Declaration by Medical Practitioner (Form T14) for all Licensed Drivers, enabling the examining Doctor to increase the frequency of checks as they see fit: This will improve public safety in respect of any medical issues in persons of all ages.</p>	<p><b>(a) Proposed Policy amended at Paragraph 14.</b></p>
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<p><b>TPR8</b></p>	<p>Kevin Farren, Rogate Cars (Licence holder)</p>	<p>17/03/2021</p>	<p>Paragraph 21.3</p> <p>(a) Comment made why 'Taxi Licencing Officer' or 'taxi admin officer' able to overrule trained MOT Testers regarding 'advisories' on an MOT.</p>	<p>(a) Noted, however such decisions are/ would be made by experienced Officers and, where necessary, in conference with qualified MOT Testers. MOT Tests only provide a snapshot report for a particular day: Necessarily, other factors including the extremely high mileage travelled by Licensed Vehicles, safety, comfort, and expectations of the travelling public are all factors considered by Officers.</p>	<p>(a) No change required to proposed Policy.</p>
<p><b>TPR9</b></p>	<p>Enzo Caira (Licence holder)</p>	<p>18/03/2021</p>	<p>Paragraph 20</p> <p>(a) Age limit unfair for newer vehicles.</p>	<p>(a) The respondent misread/ misunderstood the age limit proposal, believing that already-Licensed vehicles would be subject to the same criteria as new applications: The already-planned transitional concession is that all existing vehicles over 4 years old will be eligible for a 5 year extension, irrespective of their current age, this to allow existing Licensed proprietors time to plan for replacing vehicle(s). The proposed 10 year age limit for new Applications is considered fair and balanced, also taking into account such other factors as wear &amp; tear on bodywork &amp; interior trim, as well as ongoing improvements in design &amp; safety.</p> <p>[Clarification email sent 18/03/2021]</p>	<p>(a) No change required to proposed Policy.</p>

TPR10	CDC Environmental Protection Team (A.Smith)	22/04/2021	<p>Paragraph 20</p> <p>(a) Reduced fees for lower emitting vehicles;</p>	<p>(a) Licensing Fees are set for cost recovery only, so it is not possible to reduce nor increase them to influence the choice of fuel types of vehicles. However, due to the ongoing climate emergency, there is an urgent need to reduce emissions, and it is necessary to improve/ reduce those arising from Taxi and Private Hire vehicles: The proposed 10 year age limit is one mechanism by which this may be tackled with ongoing pollution-reducing improvements in engine design, together with HM Government's stated intention to cease the sale of petrol &amp; diesel vehicles by 2030. The already-planned transitional concession regarding existing vehicles over 4 years old being eligible for a 5 year extension, is to allow existing Licensed proprietors time to plan for replacing them.</p> <p>The proposed 10 year age limit for new Applications is considered fair and balanced: However to encourage a move towards non-polluting vehicles, pure Electric Vehicles (EV) should be excluded from the age limit proposal, but still be subject to the same robust testing regime as other Licensed vehicles to ensure that aspects such as wear &amp; tear on bodywork &amp; interior trim are monitored, as well as acknowledging ongoing improvements in design &amp; safety, with replacement encouraged as necessary for the safety, comfort, and expectations of the travelling public, together with the public</p>	<p><b>(a) Proposed Policy amended at Paragraph 20.</b></p>
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			<p>(b) Install Electric Vehicle (EV) chargers near homes of EV taxi drivers;</p> <p>(c) Hold an EV “try before you buy” day;</p> <p>(d) Look at ways to reduce the capital cost of an EV;</p> <p>(e) Install an EV rapid charger at Chichester rail station taxi rank.</p>	<p>image of CDC as the Licensing Authority.</p> <p>(b) This is a WSCC Highways matter and, as such, not within the scope of the proposed Policy. However, the Licensing Team will be pleased to support and work with the Highways Authority and CDC Departments to achieve this.</p> <p>(c) Noted. Although not a matter of policy, the Licensing Team will be pleased to support and work with other CDC Departments to achieve this.</p> <p>(d) Noted. Although not a matter of policy, the Licensing Team will be pleased to support and work with other CDC Departments to achieve this.</p> <p>(e) The railway station is privately owned and operated by Govia Thameslink. As such it is not within the scope of the proposed Policy. However, the Licensing Team will be pleased to support and work with the landowner and any other interested parties.</p>	<p>(b) No change required to proposed Policy.</p> <p>(c) No change required to proposed Policy</p> <p>(d) No change required to proposed Policy.</p> <p>(e) No change required to proposed Policy.</p>
<b>TPR11</b>	Owen Watkins (Licence holder)	29/04/2021	<p>Paragraph 20</p> <p>(a) Cost of new vehicles is prohibitive.</p>	<p>(a) Due to the ongoing climate emergency, there is an urgent need to reduce emissions, and it is appropriate to improve/ reduce emissions arising from Taxi and Private Hire vehicles: The proposed 10 year age limit is one mechanism for tackling this with ongoing pollution-reducing improvements in engine design. The already-planned transitional</p>	<p>(a) No change required to proposed Policy.</p>

			<p>(b) Age only limit unfair: Should take into account engine improvements, EV, and LPG conversions giving longer age limit.</p>	<p>concession is that all existing vehicles over 4 years old will be eligible for a 5 year extension, irrespective of their current age,; this to allow existing Licensed proprietors time to plan for replacing their vehicle(s).</p> <p>(b) However to encourage a move towards non-polluting vehicles, pure Electric Vehicles (EV) should be excluded from the age limit proposal, but still be subject to the same robust testing regime as other Licensed vehicles to ensure that aspects such as wear &amp; tear on bodywork &amp; interior trim are monitored, as well as acknowledging ongoing improvements in design &amp; safety, with replacement encouraged as necessary for the safety, comfort, and expectations of the travelling public.</p> <p>The emissions benefits of LPG-fuelled vehicles are debateable. Whilst LPG may in general produce significantly less particle and Nitrogen Dioxide (NO<sub>2</sub>), the condition and age of the engine that has been converted will have an impact on the amount of unburnt fraction which is still emitted from the vehicle. In addition, conversions to an LPG system makes a car heavier which may make the car less efficient from a carbon perspective. It is felt appropriate to encourage EV rather than LPG conversions.</p>	<p><b>(b) Proposed Policy amended at Paragraph 20.</b></p>
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TPR12	Farshad Ahmadian (Licence holder)	02/05/2021	<p>Paragraph 20</p> <p>(a) Age only limit unfair:</p> <p>(b) Immediately should introduce higher Euro Standards;</p> <p>(c) higher standards in the testing regime;</p> <p>(d) introduce spot tests/ 'secret shopper' testing.</p>	<p>(a) Due to the ongoing climate emergency, there is an urgent need to reduce emissions, and it is appropriate to improve/ reduce emissions arising from Taxi and Private Hire vehicles: The proposed 10 year age limit is one mechanism for tackling this with ongoing pollution-reducing improvements in engine design. Further, it considers other factors such as wear &amp; tear on bodywork &amp; interior trim, as well as acknowledging ongoing improvements in design &amp; safety, with replacement encouraged as necessary for the safety, comfort, and expectations of the travelling public.</p> <p>(b) Updated 'rolling' Euro (or any replacement standard) requirements are already included within the proposed Policy at Section 21;</p> <p>(c) An updated testing regime is already included within the proposed Policy at Section 21;</p> <p>(d) Multi-Agency spot checks &amp; 'secret shopper' operations are expected to be reintroduced after COVID-19 restrictions are lifted.</p>	<p>(a) No change required to proposed Policy.</p> <p>(b) No change required to proposed Policy.</p> <p>(c) No change required to proposed Policy.</p> <p>(d) No change required to proposed Policy.</p>
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TPR13	J.Rendall (Licence holder)	02/05/2021	<p>Paragraph 20</p> <p>(a) Age only limit unfair: Should take into account EV &amp; LPG conversions with longer age limit;</p>	<p>(a) Due to the ongoing climate emergency, there is an urgent need to reduce emissions, and it is appropriate to improve/ reduce emissions arising from Taxi and Private Hire vehicles: The proposed 10 year age limit for new Applications is considered fair and balanced, with all existing Licensed Vehicles benefitting from a 5 year extension irrespective of their current age: However to encourage a move towards non-polluting vehicles, pure Electric Vehicles (EV) should be excluded from the age limit proposal, but still be subject to the same robust testing regime as other Licensed vehicles to ensure that aspects such as wear &amp; tear on bodywork &amp; interior trim are monitored, as well as acknowledging ongoing improvements in design &amp; safety, with replacement encouraged as necessary for the safety, comfort, and expectations of the travelling public.</p> <p>The emissions benefits of LPG-fuelled vehicles are debateable. Whilst LPG may in general produce significantly less particle and Nitrogen Dioxide (NO<sub>2</sub>), the condition and age of the engine that has been converted will have an impact on the amount of unburnt fraction which is still emitted from the vehicle. In addition, conversions to an LPG system makes a car heavier which may make the car less efficient from a carbon perspective. It is felt appropriate to encourage EV rather than LPG conversions.</p>	<p>(a) <b>Proposed Policy amended at Paragraph 20.</b></p>
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			<p>(b) Age limit potentially detrimental to the accessibility of Wheelchair Accessible Vehicles (WAVs)</p>	<p>(b) Currently there are 6 PHVs &amp; 35 HCVs providing WAV capability in Chichester District Council's Licensed fleet: Should the number of Hackney Carriages reduce, it is reasonable to expect that market forces/ entrepreneurial acumen will correspondingly increase the number of Private Hire WAVs.</p> <p>The number of Hackney Carriage Vehicles has naturally been decreasing over recent years, this due to technological advances in booking systems, particularly App-based solutions provided by Private Hire Operators.</p>	<p>(b) No change required to proposed Policy.</p>
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**DRAFT**  
**HACKNEY CARRIAGE AND  
PRIVATE HIRE  
POLICY AND CONDITIONS**

Approved by General Licensing Committee:  
Approved by Cabinet:  
Approved by Council:  
Document Title:

## GENERAL NOTE

The aim of this Policy document is to publish the stated intentions and requirements of Chichester District Council as the Licensing Authority with respect to Hackney Carriage (Taxi) and Private Hire operations in the Chichester District, championing the overriding principal of Public Safety<sup>1</sup>.

The Policy has been formulated pursuant to, and in accordance with, the following legislation:

- Local Government (Miscellaneous Provisions) Act 1976;
- Town Police Clauses Act 1847;
- Equality Act 2010;
- Police and Crime Act 2017;
- Immigration Act 2016.

Any reference in this Policy and in its Appendices to European legislation is as amended by:

- The European Union (Withdrawal) Act 2018;
- The European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019;
- The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020.

And any other subsequent legislation framework not currently yet in force

Additionally, specific regard has been afforded HM Government's Department for Transport's (DfT) recent publication '*Statutory Taxi & Private Hire Vehicle Standards*' (July 2020), published under s.177(1) of the Policing and Crime Act 2017: This new statutory guidance specifically requires all Licensing Authorities which exercise taxi and private hire licensing functions, to introduce new and/ or strengthen existing policies to protect from harm, children and vulnerable individuals over 18 years old. HM Government expects all these DfT recommendations to be implemented unless there are compelling local reasons for not doing so: The DfT recommendations have been incorporated into this new Chichester District Council policy.

Also, due to the continuing climate emergency, this policy seeks to go some way towards addressing and achieving the aspirations of HM Government in its publication '*The Ten Point Plan for a Green Industrial Revolution*' (November 2020), especially regarding a shift to zero emission vehicles in respect of public transport.

This Policy will be reviewed every five (5) years, with intermediate sub-review(s) as necessary.

All Licences, Driver's Badges, Vehicle Licence Plates, Internal Identification Cards and Door Badges remain the property of this Licensing Authority.<sup>2</sup>

All fees and charges are payable at the time of application: See section 45 below

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<sup>1</sup> <https://www.chichester.gov.uk/article/25502/Hackney-carriage-taxi-and-private-hire---information-for-the-public#Safetytips>

<sup>2</sup> Pursuant to s.61(2)(a) and s.68 Local Government (Miscellaneous Provisions) Act 1976 upon expiry or when otherwise required, must be returned to Chichester District Council within seven (7) days or, in the case of Immigration issues, five (5) days

# CHICHESTER DISTRICT COUNCIL

## HACKNEY CARRIAGE AND PRIVATE HIRE POLICY & CONDITIONS

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- Appendix C Hackney Carriage Byelaws
- Appendix D Fees
- Appendix E Convictions Policy
- Appendix F Knowledge Test
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- Appendix H Seating Configurations
- Appendix I Private Hire Driver's Licence Conditions
- Appendix J Private Hire Vehicle Licence Conditions
- Appendix K Private Hire Operator's Licence Conditions

## PART A: TYPES OF LICENCE

Expired Licences will not be renewed after the date of expiry. Should a Licence be permitted to lapse, an entirely new application, including fee, is required.

### 1. *Hackney Carriage Driver's Licence (issued for 3 years) see Parts B and C*

Any person wishing to drive a Hackney Carriage in the Chichester District Council area requires a Hackney Carriage Driver's Licence issued by this Licensing Authority.<sup>3</sup>

Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C), together with the relevant statutory provisions within the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, form this Licensing Authority's Code of Conduct and Requirements relating to Hackney Carriage Drivers in the Chichester District Council area.

### 2. *Hackney Carriage Vehicle Licence/ Hackney Carriage Proprietor's Licence (issued for 1 year) see also Parts D and E*

'Hackney Carriage' is defined in s.38 Town Police Clauses Act 1847 but, in general terms, may be described as a vehicle which:

- May 'Stand' or 'Ply for Hire' in a street;
- Is so Licensed by the Council, and displays a Hackney Carriage Plate both internally and externally.

Any person wishing to use a vehicle as a Hackney Carriage requires a Hackney Carriage Vehicle Licence (also known as a 'Hackney Carriage Proprietor's Licence').<sup>4</sup>

Hackney Carriage Vehicle Licences issued by this Licensing Authority are subject to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C), together with the relevant statutory provisions of the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976.

Currently this Licensing Authority does not restrict the number of vehicles licensed as Hackney Carriages.<sup>5</sup>

**Once licensed by this Licensing Authority as a Hackney Carriage, a vehicle is so licensed 24 hours a day, 7 days a week, and may only ever be driven at any time by a person who holds a Hackney Carriage Driver's Licence issued by this Licensing Authority, together with Authorised Officers of this Licensing Authority, and Police Constables.<sup>6</sup>**

<sup>3</sup> s.46 Town Police Clauses Act 1847

<sup>4</sup> s.37 Town Police Clauses Act 1847

<sup>5</sup> Pursuant to the provisions of s.16 Transport Act 1985 (amending the Town Police Clauses Act 1847)

<sup>6</sup> s.68 Local Government (Miscellaneous Provisions) Act 1976

**3. Private Hire Driver's Licence (issued for 3 years) see also Part B**

Any person wishing to drive a Private Hire Licensed Vehicle requires a Private Hire Driver's Licence.<sup>7</sup>

Private Hire Driver's Licences issued by this Licensing Authority are subject to the Conditions of the Licence (see Appendix I) and the relevant statutory provisions of the Local Government (Miscellaneous Provisions) Act 1976.

**4. Private Hire Vehicle Licence (issued for 1 year) see also Parts D and F**

'Private Hire Vehicle' is defined as:

*"...a motor vehicle constructed or adapted to seat fewer than nine passengers, (other than a Hackney Carriage or Public Service Vehicle), which is provided for hire with the services of a driver for the purpose of carrying passengers."*<sup>8</sup>

A Private Hire Vehicle Licence is required by the Proprietor of that vehicle before they may permit it to act as a Private Hire Vehicle.<sup>9</sup>

Private Hire Vehicle Licences issued by this Licensing Authority are subject to the Conditions of the Licence (see Appendix J) and the relevant statutory provisions of the Local Government (Miscellaneous Provisions) Act 1976.

A Private Hire Vehicle Licence will be granted for a vehicle provided it meets the legal design and appearance requirements<sup>10</sup>, together with those of this Licensing Authority (see section 20); all vehicles used in a Private Hire operation Licensed by this Licensing Authority also must be Licensed and duly Plated by this Licensing Authority.

**Once Licensed by this Licensing Authority as a Private Hire Vehicle, a vehicle is so Licensed 24 hours a day, 7 days a week, and may only ever be driven at any time by a person who holds a Private Hire Driver's Licence issued by this Licensing Authority**, together with Authorised Officers of this Licensing Authority, and Police Constables.<sup>11</sup>

**5. Private Hire Operator's Licence (issued for 5 years) see also Part G**

'Operate' is defined as:

*'... in the course of any business, to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.'*<sup>12</sup>

In the Chichester District Council area, no person may Operate any vehicle as a Private Hire Vehicle without having a current Private Hire Operator's Licence granted by this Licensing Authority<sup>13</sup>: **This is additional to the separate requirements for Private Hire Vehicle and/or Private Hire Driver's Licences.**

<sup>7</sup> s.46 Local Government (Miscellaneous Provisions) Act 1976

<sup>8</sup> s.80(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>9</sup> s.48 Local Government (Miscellaneous Provisions) Act 1976

<sup>10</sup> s.48 and s.80(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>11</sup> Pursuant to s.68 Local Government (Miscellaneous Provisions) Act 1976

<sup>12</sup> s.80(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>13</sup> s.46 Local Government (Miscellaneous Provisions) Act 1976

Private Hire Operators' Licences issued by this Licensing Authority are subject to the Conditions of the Licence (see Appendix K) and the relevant statutory provisions of the Local Government (Miscellaneous Provisions) Act 1976.

## **PART B: REQUIREMENTS RELATING TO BOTH HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS (or DUAL LICENSED)**

### **6. *Who can Apply/ Eligibility - see also Part C for additional Hackney Carriage matters***

Applicants for Hackney Carriage/ Private Hire Driver's Licences must:<sup>14</sup>

- Be aged twenty-one (21) years or older;
- Be entitled to live and work in the UK; (see section 7)
- Have held for at least twelve (12) months a current Full UK Driving Licence issued by DVLA; (see section 15)
- Be a 'Fit and Proper Person' (see sections 8 - 11) for the duties of driving Hackney Carriages/ Private Hire Vehicles: Convictions, Cautions, and Pending matters (including motoring offences) will be considered according to this Licensing Authority's Convictions Policy (see Appendix E);
- Pass the relevant part(s) of this Licensing Authority's Hackney Carriage/ Private Hire Driver's 'Knowledge Test' (see section 12);
- Provide evidence of having undertaken Child Sexual Abuse and Exploitation (CSAE) safeguarding training approved by this Licensing Authority (see section 10)
- Pass a Driving Standards Assessment approved by this Licensing Authority (see section 13);
- Be medically fit for the duties of driving a Hackney Carriage/ Private Hire Vehicle (see section 14);
- Provide a current, clear, Passport-type colour photograph of themselves.

### **7. *Entitlement to Live and Work in the United Kingdom***

This Licensing Authority is required<sup>15</sup> to ensure that the individuals it Licences are entitled to live and work in the United Kingdom. Therefore, Applicants are required to provide current proof of their entitlement. There is a prescribed list of documents which evidence a right to work.<sup>16</sup>

Where evidence of a time-limited right to work is provided, initially any Licence will be issued only for the time permitted, but will be varied upon provision by the Applicant or Home Office of subsequent satisfactory proof of an extension of the Right to Work/ permanent residency.

**Any Licence granted to an individual who becomes, or is found to be, in breach of UK Immigration Law, ceases to be valid and immediately must be returned to this Licensing Authority.<sup>17</sup>**

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<sup>14</sup> Pursuant to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C), s.51 & s.59 Local Government (Miscellaneous Provisions) Act 1976, and s.37 Immigration Act 2016

<sup>15</sup> Pursuant to the Immigration Act 1971 as amended, and s.37 Immigration Act 2016

<sup>16</sup> See Section 8, Annex A of

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/675533/A\\_Licensing\\_Authority\\_guide\\_to\\_right\\_to\\_work\\_checks\\_-\\_England\\_and\\_Wales.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf)

<sup>17</sup> Pursuant to s.53A and s.55ZA Local Government (Miscellaneous Provisions) Act 1976

## 8. ***'Fit and Proper Person'/ Good Character***

Applicants are required to submit information to demonstrate that they are a *'Fit and Proper Person'* to hold Hackney Carriage/ Private Hire Driver's Licence<sup>18</sup>: Therefore, the following items are required to be submitted on the correct Application Form which is available on request, but also published on the Chichester District Council website <https://www.chichester.gov.uk/taxilicence>, this information includes:

- Full birth name [together with current full name (if different)] as shown on Birth Certificate/ Passport;
- Details of employment history for the previous five (5) years;
- Addresses for the previous five (5) years;
- Where the applicant has resided outside the UK for any period in the previous 5 years, a Certificate of Good Conduct (with certified English translation)<sup>19</sup> from the UK Embassy/ Consulate of the relevant country;
- Details of two referees willing to provide written character references to support the Application: Referees must not be related to the applicant, must have known the applicant for at least two years, be aged twenty-one (21) years or older, of good standing in their community, and of sound mind.

If there is any doubt as to the suitability of a person to act as, or at any time should there be cause to question an individual's status as a Licensed Driver, the matter may be referred to this Licensing Authority's General Licensing Sub-Committee for consideration and determination.

Applicants who hold, or previously have held Hackney Carriage/ Private Hire Licences (Driver, Vehicle, or Operator) are required to disclose full details of such matters: This Licensing Authority checks all Applications, working closely with other Licensing Authorities, the Police, and subscribes to the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3).<sup>20</sup>

Applicants are required to notify this Licensing Authority immediately of any material change to their circumstances after an application has been submitted.

## 9. ***Convictions, Cautions, Investigations, Pending matters***

There is no exemption to full disclosure for Applicants for Hackney Carriage/ Private Hire Driver's Licences<sup>21</sup>: As such, Applicants are required to disclose all previous incidents/ occurrences involving Arrest, Court Orders (both Criminal and Civil), Convictions, Cautions, Fixed Penalty Notices (both crime and all motoring offences), Anti-social Behaviour Orders (ASBO), Civil Injunctions, Criminal Investigations, together with any other similar pending matters.

Whilst Licensed, Hackney Carriage/ Private Hire Vehicle Drivers must, within 48 hours of an incident/ occurrence, report in writing to this Licensing Authority details of any Arrest, Court Order (both Criminal and Civil), Conviction, Caution, Fixed Penalty Notice (both criminal and all motoring offences), ASBO, Civil Injunction, Criminal Investigation, together with any other similar pending matters.

<sup>18</sup> Pursuant to s.51 Local Government (Miscellaneous Provisions) Act 1976

<sup>19</sup> Provided by a translator registered with an official organisation such as the Institute of Linguists or the Institute of Translation & Interpreting

<sup>20</sup> Pursuant to s.4.21 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>21</sup> Pursuant to the Rehabilitation of Offenders Act 1974 Exceptions Order 1975

## **10. Disclosure and Barring Service (DBS) checks, Safeguarding, Child Sexual Abuse and Exploitation (CSAE)**

All Applicants and existing Hackney Carriage/ Private Hire Vehicle Drivers must provide checks of their Criminal Conviction status which will be assessed against the Convictions Policy (see Appendix E)<sup>22</sup>. As a minimum, DBS Enhanced Criminal Conviction checks must be provided at least every 6 months. Therefore, all Applicants and existing Hackney Carriage/ Private Hire Vehicle Drivers are required to subscribe and maintain continuous subscription to the DBS Update Service. This means that once the initial Enhanced Criminal Convictions Check Certificate is obtained, and providing there is no change to the Criminal Convictions status of the Licensed Driver, this enables this Licensing Authority to make checks as required without additional expense to the Licensed Driver.

To ensure that identification of CSAE behaviours is maintained at the forefront of the Licensed Driver's mind, all Applicants and existing Hackney Carriage/ Private Hire Vehicle Drivers are required to undergo initial Safeguarding Training, followed by regular refresher training provided by one of this Licensing Authority's approved providers.

This Licensing Authority already has a Partnership Agreement with the Police, and will continue to develop an ever-closer working relationship to counter the continuing issue of CSAE.<sup>23</sup>

## **11. Conduct & co-operation with Authorised Officers and Police; Hygiene, Dress & Appearance**

### *11.1 Conduct & co-operation with Authorised Officers and Police*

All Licence Holders must show a high standard of general conduct, behaving in a civil and orderly manner both with members of the public, and in fully co-operating with Authorised Officers and the Police in the lawful execution of their duties<sup>24</sup>: Any instance of non-compliance, non-co-operation, and use of foul or insulting words and behaviour is viewed most seriously, such matters being investigated, recorded against individual Licence Holders, and causing consideration of Suspension or Revocation of, or a refusal to Renew a Licence.

At all times, Licensed Drivers must take all reasonable steps to ensure the safety of passengers, and always provide reasonable assistance with their luggage (see also section 13 below '*Driving Standards Assessment, Passengers in Wheelchairs, Assistance Dogs*').

### *11.2 Hygiene, Dress & Appearance*

All Licence Holders must be clean and respectable in both dress and person: Instances of non-compliance with these requirements reported to this Licensing Authority are viewed most seriously, being recorded against individual Licence Holders: Each instance is investigated, reviewed, and may lead to Suspension, Revocation, or a refusal to Renew a Licence.

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<sup>22</sup> Pursuant to s.6 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>23</sup> Under the Common Law Police Disclosure powers

<sup>24</sup> Pursuant to s.73 Local Government (Miscellaneous Provisions) Act 1976

## 12. **Knowledge Test – see also Appendix F**

All Applicants for a Hackney Carriage and/or Private Hire Driver's Licence are required to pass this Licensing Authority's Knowledge Test: Currently this has only written elements, however oral elements are being introduced to improve the examination of Applicants' levels of understanding regarding The Highway Code, Hackney Carriage/ Private Hire Law and Chichester District Council Policy, their Responsibilities and Duties regarding Child Sexual Abuse and Exploitation (CSAE), the Chichester district area generally, and their proficiency in understanding both written and spoken English: Specifically this final section is included regarding Applicants' abilities to identify and then act upon potential CSAE issues.<sup>25</sup>

## 13. **Driving Standards Assessment, Passengers in Wheelchairs, Assistance Dogs**

### 13.1 *Driving Standards Assessment*

Applicants for Hackney Carriage/ Private Hire Driver's Licences are required to pass a Driving Standards Assessment provided by one of this Licensing Authority's approved providers<sup>26</sup>: A Pass Certificate will remain valid for a period of one (1) calendar year from the date of passing the test, after this time a further Pass Certificate will be required.

All Hackney Carriage Driver Applicants, together with any Private Hire Driver Applicants and existing holders of a Private Hire Driver's Licence wishing to drive a Wheelchair Accessible Vehicle (WAV) (see section 13.2), are required to obtain a Pass in the additional component of the Driving Standards Assessment regarding the carriage of persons in wheelchairs. Again, the Pass Certificate will remain valid for a period of one (1) calendar year from the date of passing the test after which time a fresh Pass Certificate will be required.

Applicants currently licensed as Hackney Carriage/ Private Hire Drivers by other Licensing Authorities, and who have a clear licensing history, together with other as yet unlicensed new applicants, may submit any current qualifications they hold in respect of these requirements for consideration by this Licensing Authority: For existing Licensed Driver Applicants, the qualifications must be no more than one (1) calendar year old from date of passing the test; for as yet unlicensed new applicants, the qualifications must be no more than three (3) calendar months old from date of passing the test. For both, the qualifications must be of comparable standards to the requirements of this Licensing Authority. **This Licensing Authority is not bound by such mitigating submissions, and still may require a Pass to be obtained in its own approved Driving Standards Assessment(s).**

Where it is suspected that a Licensed Driver's driving ability has fallen below the standard required, for example but not exclusively, where a driver has acquired more than six (6) current Penalty Points on their DVLA Driving Licence [more than three (3) Points for New drivers within two (2) years of passing the DSA Driving Test], where information indicates their driving standard to be poor, or their failure to carry out their duties in respect of the carriage of persons in wheelchairs, at the discretion of this Licensing Authority, again they may be required to Pass the Driving Standards Assessment (with WAV extension as appropriate): **Should the**

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<sup>25</sup> Pursuant to s.6.14 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>26</sup> Details are available on request, but also published on the Chichester District Council website:

<https://www.chichester.gov.uk/privatehiredriverslicence>

**Licensed Driver either fail to submit to the Test as soon as possible and within a time period agreed by this Licensing Authority, or they subsequently fail the Test, then the Licence will be Suspended until such time as a Pass is achieved.**

### 13.2 *Passengers in Wheelchairs*

Unless they are the holder of a current Exemption Certificate<sup>27</sup>, Licensed Drivers of WAVs are required to carry a passenger while in their wheelchair, and not to make any additional charge for doing so i.e. a meter may not be set running while the Licensed Driver performs their duties under the Act, nor while the passenger enters, nor leaves, nor secures their wheelchair within the passenger compartment.

Also, the Licensed Driver must give such mobility assistance as is reasonably required by the wheelchair user.

Further, should the passenger choose to sit in a passenger seat in the Licensed Vehicle, the Licensed Driver must carry the wheelchair in the Licensed Vehicle<sup>28</sup>.

### 13.3 *Assistance Dogs*

Unless they are the holder of a current Exemption Certificate<sup>29</sup>, Licensed Drivers of all Hackney Carriages and Private Hire Vehicles are required to carry passengers with guide dogs, hearing dogs, and other 'assistance' dogs without additional charge.<sup>30</sup>

When carrying such passengers, Licensed Drivers must convey the dog and allow it to remain under the physical control of the passenger: It is best practice for the Licensed Driver to enquire of the passenger where they want both themselves and their dog to sit in the vehicle.

## 14. ***Medical Fitness/ D4 Medical Examination***

Within three (3) calendar months immediately prior to the date of a complete and correct Application, it is a requirement that New Applicants for Hackney Carriage and/or Private Hire Driver's Licences undergo a D4 Medical Examination to the Group 2 Vocational Standard set by the DVLA: **The Doctor carrying out the examination must have full access to the Applicant's medical records;** accompanying the D4 Medical Form, and signed by the same Doctor, the Applicant must submit Form T14 Declaration by Medical Practitioner.

Similarly, within the three (3) calendar months immediately prior to the due date, every five (5) years or more frequently as specified by the Medical Practitioner on Form T14 Declaration by Medical Practitioner, and until they attain the age of 65 years whereupon the requirement becomes annual (yearly), all Licensed Drivers are required to undergo the D4 Medical Examination, providing to this Licensing Authority the completed and signed Form together with its accompanying T14 Declaration by Medical Practitioner.

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<sup>27</sup> s.166 Equality Act 2010

<sup>28</sup> s.165 Equality Act 2010

<sup>29</sup> s.169 Equality Act 2010

<sup>30</sup> s.168 Equality Act 2010

**The Forms used must be the current versions at the time of the examination: Obsolete Forms will be rejected.**<sup>31</sup>

Further, at every Renewal Application for a Hackney Carriage/ Private Hire Driver's Licence, Applicants are required to make a personal declaration of their continuing physical and mental fitness to be so Licensed, and being fully capable of performing their duties regarding driving a Hackney Carriage/ Private Hire Vehicle.

**At any time, should an Applicant or Licensed Driver suspect that no longer are they fit to be Licensed due to a change in their physical or mental status, they must immediately notify both this Licensing Authority together with their Operator and, if required, the DVLA.**

#### **15. *Driver and Vehicle Licensing Agency (DVLA) Driving Licence and Driving Permission***

As a minimum, new Applicants for a Hackney Carriage/ Private Hire Driver's Licence are required to have held for a period of at least twelve (12) months <sup>32a</sup> a Full DVLA issued Driving Licence permitting them to drive vehicles in Class B. Any Penalty Points accrued on the DVLA Driving Licence must be disclosed fully on the Application Form, and will be considered according to this Licensing Authority's Convictions Policy (see Appendix E).

Any existing Hackney Carriage/ Private Hire Driver's Licence holders of this Licensing Authority who currently do not hold a DVLA issued Driving Licence (these are licence holders presently driving in the UK on a non-UK Driving Licence) are required to do so by the time of their next Renewal.

Upon initial Application then annually (yearly), and at any other time required, the DVLA Driving Licence record and Driving Permission(s) of Applicants for Hackney Carriage/ Private Hire Driving Licences, together with existing Licensed Drivers, will be checked<sup>33</sup>: Such checks are made via an approved 3<sup>rd</sup> party provider and, together with maintenance of the Mandate for doing so, are requirements of this Licensing Authority's Hackney Carriage/ Private Hire Driver's Licences.

#### **16. *Driver's Badge***

Hackney Carriage/ Private Hire Driver's Badges remain the property of this Licensing Authority: Within 7 days of the expiry, or as otherwise directed by an Authorised Officer of this Licensing Authority, or upon Suspension or Revocation of a Driver's Licence, they must be returned to this Licensing Authority.<sup>34</sup>

At all times this Licensing Authority requires all 'on duty'/ working Licensed Drivers to wear the prescribed and issued Driver's Badge(s) in a 'position and manner as to be plainly and distinctly visible'<sup>35</sup>. [Note: This requirement ceases only if a Private Hire Vehicle Licence Exemption has been granted under s.75(3) Local Government (Miscellaneous Provisions) Act 1976, but still the Licensed Driver must keep the

<sup>31</sup> Both Forms are available on application, but also are published on the Chichester District Council website: <https://www.chichester.gov.uk/taxilicence>

<sup>32</sup> Pursuant to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C) and s.51 Local Government (Miscellaneous Provisions) Act 1976

<sup>33</sup> Pursuant to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C) and s.51 Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> Pursuant to s.61(2)(a) Local Government (Miscellaneous Provisions) Act 1976

<sup>35</sup> Pursuant to the Byelaws, s.54 Local Government (Miscellaneous Provisions) Act 1976, and/or the Conditions of this Licensing Authority's Hackney Carriage/ Private Hire Vehicle Driver's Licences

Driver's Badge with them for production on requirement by an Authorised Officer of a Licensing Authority or a Police Constable].

## **PART C: ADDITIONAL SPECIFIC MATTERS FOR HACKNEY CARRIAGE DRIVERS**

### **17. *Hackney Carriage Stands (Taxi Ranks)***

From time to time this Licensing Authority will determine the location of Hackney Carriage Stands within the District: Only at such designated Stands may Hackney Carriages 'Rank up'.<sup>36</sup>

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<sup>36</sup> Pursuant to s.63 Local Government (Miscellaneous Provisions) Act 1976

## **PART D: REQUIREMENTS RELATING TO BOTH HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – See also Part E (Hackney Carriage) and Part F (Private Hire Vehicle)**

### **18. *Licensed Vehicle Proprietors' Conduct & co-operation with an Authorised Officer of the Licensing Authority and Police***

This Licensing Authority expects all its Private Hire Proprietors to exhibit a high standard of general conduct, behaving in a civil and orderly manner both with members of the public, and in fully co-operating with Authorised Officers and the Police in the lawful execution of their duties<sup>37</sup>: Any instance of non-compliance, non-co-operation, and use of foul or insulting words and behaviour is viewed most seriously, with such matters being investigated, recorded against individual Licence Holders, and causing consideration of Suspension or Revocation of, or a refusal to Renew a Licence.

### **19. *Licensed Vehicle Proprietor's DBS Criminal Record checks***

This Licensing Authority requires all Applicants and existing Proprietors of Hackney Carriage/ Private Hire Vehicles to provide checks of their Criminal Conviction status<sup>38</sup>: If not already providing the Enhanced DBS Criminal Record check Certificate in their separate standing as a Hackney Carriage/ Private Hire Vehicle Driver, a Basic DBS Criminal Record check Certificate, no more than 3 months old, is required to be submitted upon initial Application, and at every subsequent Renewal Application.

### **20. *Vehicle Specification, Age, Appearance, and Environmental Impact***

All vehicles must be suitable in type, size, and design for use as either a Hackney Carriage or Private Hire Vehicle, dependent on the type of Licence required. All vehicles must meet the requirements of the adopted standards contained within the publication titled 'Hackney Carriage and Private Hire Vehicles National Inspection Standards - Best Practice Guide - August 2012' (see Appendix A). Additionally, for providing passenger comfort, vehicles must comply with this Licensing Authority's requirements in relation to fixtures, fittings, and cleanliness.

Applications will be refused in respect of 'Salvaged' or 'Insurance write-off' vehicles (regardless of category), together with illegally-altered vehicles.<sup>39</sup>

Complementing HM Government's announcement in November 2020 of its intention to move towards a net-zero contribution to climate change, with an end to the sale of new petrol and diesel cars by 2030, going forward and from the date of adoption of this Policy, the following criteria apply: **NOTE that any fully Electric Vehicle (EV) is exempt from the 10 year age restriction:**

***New Vehicle Licence Application:*** Vehicle must be no more than ten (10) years old from Date of First Registration (regardless of whether or not previously a vehicle has been Licensed by any Licensing Authority). This means that a vehicle will only

<sup>37</sup> Pursuant to s.73 Local Government (Miscellaneous Provisions) Act 1976

<sup>38</sup> Pursuant to s.7 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>39</sup> Pursuant to s.47 and s.48(1)(a)(iii) & (iv) Local Government (Miscellaneous Provisions) Act 1976

be eligible to be Licensed until it is a maximum of nine (9) full calendar years old from the Date of First Registration, this to allow for it being Licensed for the one ensuing year before its 10<sup>th</sup> anniversary from Date of First Registration: At the end of that year, no longer will it be eligible to be Licensed. Additionally, at the date of Application, all vehicles must comply with the current or immediately preceding Euro emissions standard (or any subsequent standard replacing it).

***Renewal Vehicle Licence Application (existing Licensed Vehicles only at time of policy being adopted):*** A transitional five (5) year extension to the age limit will be permitted, and this may take the upper age over the stated ten (10) years: For example, a vehicle which is five (5) full calendar years old at the date of Policy adoption will be eligible to be relicensed until it is ten (10) full calendar years old from the Date of First Registration, thus by the end of that final year's licensed period it will be eleven (11) years old; similarly, a vehicle which is six (6) full calendar years old at the date of Policy adoption will be eligible to be relicensed until it is eleven (11) full calendar years old from the Date of First Registration, thus by the end of that final year's licensed period it will be twelve (12) years old, etc. However and regardless of reason, should a Licence be permitted to lapse at any time during the transition period, for example but not exclusively should a complete and correct Renewal Application be submitted out of time, a New Application would be necessary with the New Application criteria above applied.

#### 20.1 'Wrapping' of vehicles <sup>40</sup>

Since 2017, the DVLA requires the 'wrapping' of vehicles to be notified to it as a change which must be recorded on the V5 Registration Document. Vehicle Proprietors wishing to 'wrap' a currently-Licensed Vehicle, must first inform this Licensing Authority of their intention to do so. This is in order that the Vehicle Licence may be Suspended temporarily pending their provision of an updated V5 Registration Document specifying the colour change. Upon receipt of this and payment of the appropriate fee, the Vehicle Licence will be reinstated with a replacement Licence, Plate, and Internal Vehicle ID.<sup>41</sup>

#### 20.2 Seating Capacity - see also Appendix H

Passenger seating capacity of Private Hire Vehicles is limited to 8 in number<sup>42</sup>: This Licensing Authority applies the same criterion to Hackney Carriages<sup>43</sup>.

Seats will not be Licensed where access to them is by tilting or displacing any other seat<sup>44</sup>. The complete and permanent removal of a seat by a competent person in order to gain access to those behind may be an option in some vehicles. However, this course of action is not acceptable where it triggers an alarm or warning light. No longitudinal seating is permitted except in speciality vehicles such as stretched limousines.

#### 20.3 Wheels and Wheel Trims (Hub caps); Tyres

Should vehicles not have alloy wheels, wheel trims (hub caps) must be provided and maintained in good order so as not to detract from the appearance of the

<sup>40</sup> 'Wrapping' is the application of an appearance-changing film over the entire vehicle

<sup>41</sup> Pursuant to 'Annex - Staying Safe' of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>42</sup> s.80(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>43</sup> Pursuant to s.47 Local Government (Miscellaneous Provisions) Act 1976

<sup>44</sup> Pursuant to s. 47 and s.48 Local Government (Miscellaneous Provisions) Act 1976

vehicle: Wheels and wheel trims need not be original, but must be a matching set.

This Licensing Authority requires the tyre tread depth of all Licensed Vehicles to be a minimum of 2.0mm across the full tread width and around the entire circumference of each tyre; no remoulded nor re-cut tyres are permitted; tyres which are perished in any way, have any cuts, or have any foreign objects embedded in them are not acceptable.

#### 20.4 *Tinting of windows*

There are statutory requirements regarding tinting of vehicle glass<sup>45</sup>.

For the safety of passengers<sup>46</sup> and Licensed Drivers alike, this Licensing Authority's glazing requirements for all Licensed Vehicles is that only manufacturer-fitted standard specification glass with minor tinting is permitted: Exceptions are only with the express and current written permission of this Licensing Authority.

#### 20.5 *Trailers, roof-boxes, and roof-racks*

For the safety of the public, passengers, and Licensed Drivers, this Licensing Authority does not permit the attachment of trailers, roof-boxes, nor roof-racks to its Licensed Vehicles: An exception may be made only with current and specific written permission of the Licensing Authority which will only be given subsequent to the satisfactory testing of all components by CCS.

#### 20.6 *Registration Marks: Standard and Personalised*

Registration Marks displayed on this Licensing Authority's Licensed Vehicles must comply with all legal requirements relating to size, colour, font, and spacing<sup>47</sup>. Should the Proprietor of a Licensed Vehicle wish to change its Registration Mark, **first and before beginning the process with DVLA**, they must contact the Licensing Authority for instructions as to the Licensing process with which they must comply, including the provision of the written Notice of the proposed change, payment of the required fee, and removal of previous Licence items.

### 21. ***Mechanical Standards: Emissions; MOT & Fitness Tests; Prohibition Notices***

#### 21.1 *Emissions - see also section 20 - Vehicle Specification, Age, Appearance, and Environmental Impact*

For all new Applications, regardless of whether previously a vehicle has been Licensed by any Licensing Authority, all vehicles must comply with the Euro emissions standard (or any subsequent standard replacing that) current at that time, or the one immediately preceding.

#### 21.2 *Liquid Petroleum Gas (LPG) and other Alternative Fuels*

Vehicle Proprietors wishing to convert a currently-Licensed Vehicle to LPG or other alternative fuel, must first inform this Licensing Authority of their intention to do so. This is in order that the Vehicle Licence may be Suspended temporarily pending

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<sup>45</sup> The Road Vehicles (Construction and Use) Regulations 1986 as amended

<sup>46</sup> Pursuant to 'Annex - Staying Safe' of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>47</sup> The Road Vehicles (Display of Registration Marks) Regulations 2001

provision of an updated V5 Registration Document specifying the new fuel type, together with confirmation by the vehicle's insurer that it is aware of the change.

### 21.3 *MOT and Fitness Tests*

Due to the potential for high mileages to be covered by Licensed Vehicles, all Hackney Carriages and Private Hire Vehicles are required to be presented for MOT and Fitness Testing<sup>48</sup> in accordance with the following criteria:

- Vehicle up to 12 calendar months from Date of First Registration: Fitness Test only required;
- Vehicle 12 calendar months to 36 calendar months from Date of First Registration: MOT and Fitness Tests required every 12 calendar months;
- Vehicle over 36 calendar months from Date of First Registration: MOT and Fitness Tests required every 6 calendar months.

The Proprietor of a vehicle may obtain a MOT Test Certificate at any Driver & Vehicle Standards Agency (DVSA) approved Testing Station, however within 5 working days of the date of the successful MOT Test, the vehicle must be presented to Chichester Contract Services (CCS) at Westhampnett for Fitness Testing. Alternatively, a vehicle may be presented to CCS for both MOT and Fitness Testing. **Only CCS may carry out the Fitness Test.**

Should the vehicle fail the Fitness Test, as soon as practicable and anyway within a further 5 working days, again it must be presented for re-testing. In the event of a further failure of the Fitness Test, the Proprietor of the vehicle must obtain a new MOT Test Pass Certificate and re-start the process.

At any time should there be reasonable cause to suspect a Licensed Vehicle to be unroadworthy, an Authorised Officer of this Licensing Authority may require the Proprietor or Driver of that Licensed Vehicle to submit it for immediate mechanical inspection<sup>49</sup>: Should a Proprietor or Driver of such a Licensed Vehicle fail to submit it for such inspection, the pertinent Licence will be considered for immediate Suspension.

#### 21.3.1 *New Vehicle Applications*

At the time of submission of a complete and correct Application for a new Vehicle Licence, the MOT Test Pass Certificate must be no more than one (1) calendar month old.

'Advisory' matters cited on an MOT Test Certificate/ Fitness Test Report, in relation to tyres, steering, suspension, brakes, or any other matters required by an Authorised Officer of this Licensing Authority, immediately must be rectified and evidenced by the Proprietor in the form of receipts and/ or clear photographs: Failure to provide such evidence will cause the Application to be rejected.

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<sup>48</sup> Pursuant to s.50 and s.68 Local Government (Miscellaneous Provisions) Act 1976; all prospective and existing Licensed Vehicles will be tested in accordance with the Hackney Carriage and Private Hire National Inspection Standards published jointly by the Public Authority Transport Network and the Freight Transport Association from time to time: Hackney Carriage and Private Hire Vehicles - National Inspection Standards - Best Practice Guide - August 2012 (see Appendix A)

<sup>49</sup> Pursuant to s.68 Local Government (Miscellaneous Provisions) Act 1976

### 21.3.2 *Renewal Vehicle Applications*

'Advisory' matters cited on an MOT Test Certificate/ Fitness Test Report but which are required by an Authorised Officer to be immediately rectified, must be so rectified and evidenced by the Proprietor in the form of receipts and/ or clear photographs: Failure to provide such evidence will cause the Application to be rejected. Where matters do not require immediate rectification, it is expected that these matters will be monitored regularly by the Proprietor and/ or by a competent person/ engineer, and rectified in good time.

Should any damage to the vehicle be noted on the Fitness Test Report, the Proprietor must submit clear photographs of such damage to the Licensing Authority at the same time as their submission of the Fitness Test Report: Such damage will be assessed, the Proprietor may be required to provide further information, and will be notified of any action required (see also section 23. Damage to Licensed Vehicles; Road Traffic Collisions).

Any other matters noted must be rectified by the time of the next scheduled MOT/ Fitness Test.

### 21.3.3 *Prohibition Notices*

Authorised Officers of this Licensing Authority together with the DVSA approved Vehicle Testing staff at CCS are Authorised Officers for the purposes of issuing Prohibition Notices on Licensed Vehicles which are in a state of serious unroadworthiness<sup>50</sup>: **Removal from the public highway of vehicles subject to such a Notice will be at the expense of the vehicle's Proprietor.**

### 21.3.4 *Vehicle Log Book*

Every holder of a Hackney Carriage or Private Hire Vehicle Licence will keep a Vehicle Log Book **to be retained with the vehicle at all times**, and to be available for inspection by any Authorised Officer/ Police/ DVSA: This document is to include details of all maintenance and servicing carried out on the vehicle in accordance with the manufacturer's recommended safety inspection and servicing regime, all inspections made by Authorised Officers/ Police/ DVSA, any accident damage details, and details of the current Insurance Policy in force for that vehicle.

## 22. ***Insurance Liability; Unlicensed Drivers***

Hackney Carriage/ Private Hire Vehicle Proprietors are reminded of the requirements of Part IV of the Road Traffic Act 1988 in relation to the provision of Third Party Insurance, as well as the requirement for the correct type of insurance being in place for use of the Licensed Vehicle i.e. Public (Hackney Carriage) or Private Hire: **Proprietors can be held jointly liable for certain insurance offences committed by the driver of their Licensed Vehicle.**

**Public (Hackney Carriage) or Private Hire Insurance extensions, as appropriate, along with Vehicle Excise Licence (VEL), must be maintained on Licensed Vehicles at all times:** Should the holder of a Hackney Carriage/ Private Hire Vehicle Licence wish temporarily to cease to maintain such insurance or VEL,

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<sup>50</sup> Pursuant to s. 47 & s.48 Local Government (Miscellaneous Provisions) Act 1976

first they must notify this Licensing Authority in order that the Vehicle Licence may be Suspended, and where appropriate, they may continue lawfully to use the vehicle.

Unlicensed Drivers may not drive Licensed Vehicles: Hackney Carriage/ Private Hire Driver's Licences must be lodged with the Proprietor of the Licensed Vehicle, but note that upon request by an Authorised Officer of this Licensing Authority or a Police Constable, immediately Licensed Drivers must produce their Hackney Carriage/ Private Hire Driver's Licence for inspection, and anyway within 5 days at this Licensing Authority's principal offices, or Police Station as appropriate.<sup>51</sup>

Should a Private Hire Driver accept a fare that is not pre-booked, immediately their Private Hire Insurance is voided as they have ceased to comply with the Private Hire Licence under which they are operating. Similarly, 'restricted' Private Hire Insurance i.e. that valid only whilst working for a specific Private Hire Operator, becomes invalid should work be accepted from a different Operator.

Any contravention of Insurance matters will cause this Licensing Authority to consider Suspension or Revocation of, or a refusal to Renew a Licence.

### **23. *Damage to Licensed Vehicles; Road Traffic Collisions***

This Licensing Authority requires that, however caused, any damage suffered by a Hackney Carriage/ Private Hire Licensed Vehicle is reported by the Licensed Vehicle's Proprietor in writing to this Licensing Authority as soon as possible, and anyway within 72 hours of the occurrence<sup>52</sup>. Upon receipt of such an initial report, Authorised Officers will ascertain the nature of the incident, may require further written information and/or photographs to be submitted and, beyond that, any further action required.

Should the damage be deemed minor and cosmetic only in nature, the Proprietor will be notified, but it will be incumbent on them to ensure that such damage is rectified by the date of the Licensed Vehicle's next scheduled Fitness Test.

However, should it be deemed necessary due to the nature of the damage materially affecting the safety, performance, or appearance of the Licensed Vehicle, or the comfort or convenience of passengers, the Vehicle Licence may be Suspended until such time that such damage has been repaired to the satisfaction of this Licensing Authority. Evidence of a satisfactory repair is an MOT and/ or

Fitness Test Pass Certificate as deemed necessary in each case. Only once satisfactory evidence has been provided, will the Suspension be lifted, and the Vehicle returned to service.

### **24. *Safety Equipment***

#### **24.1 *Fire Extinguisher***

For the safety of passengers and driver, this Licensing Authority requires all

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<sup>51</sup> s.53 Local Government (Miscellaneous Provisions) Act 1976

<sup>52</sup> Pursuant to s.50(3) Local Government (Miscellaneous Provisions) Act 1976

Licensed Vehicles to carry an Approved fire extinguisher<sup>53</sup> that is in the driving compartment (Hackney Carriage) or boot (Private Hire) of the Licensed Vehicle, and affix signs stating its location so as to be clearly visible to, and easily read by, the occupants of the vehicle.

To prevent removal and/ or exchange between vehicles, and to ensure that Licensed Vehicles are permanently equipped with such a fire extinguisher, the vehicle Registration Mark together with the Licensed Vehicle number must be permanently and clearly inscribed upon the fire extinguisher.

#### 24.2 *First Aid Kit*

Every Licensed Hackney Carriage and Private Hire Vehicle must carry a suitable first aid kit for use in an emergency.

To prevent removal and/ or exchange between vehicles, and to ensure that Licensed Vehicles are permanently equipped with a first aid kit, the vehicle Registration Mark together with the Licensed Vehicle number must be permanently and clearly inscribed upon the first aid kit.

#### 24.3 *Spare Wheel*

**Where a full-sized spare wheel is provided at the time of first registration of the vehicle with DVLA, the Proprietor/ Licensed Driver shall continue to use it.**

A punctured tyre must be repaired or replaced and returned to use as soon as practicable.

For vehicles not fitted with a standard spare wheel at the time of first registration of the vehicle with DVLA, instead being equipped with a 'space saver' spare wheel, 'run flat tyres', or a sealant & inflation system, any use of these must be in accordance with the manufacturer's specifications. At Fitness Testing, the Proprietor (and driver if different) must sign a Declaration confirming their knowledge of the maximum speed permitted whilst using such devices, together with their understanding of them being designed only as a 'get-you-home' measure: A copy of this Declaration will be retained with the Vehicle Licence record.

#### 24.4 *Seat Belts*

The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 require all occupants of a Hackney Carriage or Private Hire Vehicle to wear seat belts: Hackney Carriage (Taxi) drivers may claim an exemption only when plying for hire, answering a call for hire, or when actually carrying a passenger for hire, but such an exemption cannot be claimed when driving between home and office, nor when not plying for hire. Private hire drivers may only claim an exemption whilst carrying a passenger for hire.

This Licensing Authority does not permit a child below the age of 10 years to be carried in the front seat of a Licensed Vehicle: Consequently passengers with babies must only be seated in the rear.

It is the responsibility of the Licensed Driver to ensure that children (under the age of 14 years) wear seat belts: Child seats must be used in the rear seats with adult

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<sup>53</sup> Approved fire extinguishers are either dry powder of at least 1 kilogram in weight marked as complying with BS5423, or an AFFF extinguisher of at least 1 litre capacity marked as complying with BSEN3: 1996: All extinguishers must have a visual gauge indicating the state of charge

seatbelts where a child is up to 3 years of age and under 135cms (4'5") in height; children over this age or height may travel using an adult seatbelt only if an appropriate child seat is not available. Further, if no child seat is available, children under 3 years of age may travel unrestrained in a Hackney Carriage, or the rear of a Private Hire Vehicle, but only where the rear seats are separated from the driver by a fixed partition.

#### 24.5 *Warning Triangle and Reflective Jackets*

All licensed vehicles must be equipped with a warning triangle, and sufficient reflective high visibility vests<sup>54</sup> for driver and Licensed number of passengers: This equipment shall be used at the discretion of the driver in order to safeguard all persons in the event of an emergency, road traffic collision, or mechanical breakdown.

To prevent removal and/ or exchange between vehicles, and to ensure that Licensed Vehicles are permanently equipped with a warning triangle and sufficient reflective high visibility vests, the vehicle Registration Mark together with the Licensed Vehicle number must be permanently and clearly inscribed upon the warning triangle and reflective high visibility vests.

#### 25. ***Closed-circuit Television (CCTV) in Licensed Vehicles***

This Licensing Authority views the installation of overt CCTV recording equipment within Licensed Vehicles as a positive measure in prevention and detection of crime, particularly in protecting drivers from the risk of assault. Furthermore, sound (only activated in the event of an incident, otherwise mute) and image recordings are good evidence if allegations are made against drivers: Where such a CCTV system is installed, this Licensing Authority requires signage to be displayed informing both prospective and actual passengers of its presence. This signage must be prominently displayed on both Nearside and Offside rear passenger door windows, so as to be clearly visible from inside and outside, easily read, and is required to show both words and symbols. Also, the Licence Holder(s) must, as Data Controller, ensure that any information captured is processed and stored in accordance with the General Data Protection Regulations and Data Protection Act 2018.<sup>55</sup>

#### 26. ***Vehicle Licence Plates – see also section 32, Private Hire Vehicle Distinguishing Features***

A Licensed Vehicle Identification Plate is required to be displayed at all times. The

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<sup>54</sup> EU standard EN 471 class 2

<sup>55</sup> Proprietors to ensure compliance with their Data Protection responsibilities – 'In the picture: A data protection code of practice for surveillance cameras and personal information' available from the Information Commissioner's Office <https://ico.org.uk>

only exception to this requirement is where an exemption has been granted.<sup>56</sup> Where an external Licence Plate is required, it shall at all times be mounted on an approved bracket fitted in a conspicuous position on the outside of the rear of the vehicle so that it may be readily removed by an Authorised Officer of this Licensing Authority, or a Police Constable.

Additionally, where a Licensed Vehicle Identification Plate is displayed, two Internal Identification Cards will have been issued, one providing details of the Driver's Licence, the other the details of the Vehicle Licence: These Internal Identification Cards must be affixed to the inside front windscreen or other obvious position so as to be clearly visible to the vehicle occupants.

## **27. *Sale & Transfer of Licensed Vehicles***

The Proprietor of a Licensed Vehicle may sell and transfer their interest in that vehicle to another individual but, within 14 days of such transfer, a written notice must be provided to this Licensing Authority. This notice must specify the name and address of the person to whom the vehicle has been transferred and, upon payment of the required fee<sup>57</sup> the transfer will be processed, and an updated paper Licence issued to the new Proprietor.

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<sup>56</sup> s.75(3) Local Government (Miscellaneous Provisions) Act 1976

<sup>57</sup> s.49(1) Local Government (Miscellaneous Provisions) Act 1976

## **PART E: ADDITIONAL SPECIFIC REQUIREMENTS FOR HACKNEY CARRIAGE VEHICLE LICENCES**

### **28. *Hackney Carriage Taximeters***

All Hackney Carriages must be fitted with a taximeter of a type approved by Transport for London Taxi and Private Hire in document TfL Taximeter Specification Version 2 issued May 2017. Such taximeters must be operated in accordance with the Law, together with the Byelaws and Licence Conditions of this Licensing Authority: Taximeters must be maintained in full, calibrated working order, subjected to annual (yearly) testing as part of the Fitness Test at the time of Licence Renewal, and as required at any time by an Authorised Officer<sup>58</sup>.

Only the fixed Fare Tariffs issued by this Licensing Authority may be used: A Tariff Card is issued by this Licensing Authority, and at all times must be prominently displayed within the vehicle so as to be clearly visible to, and easily read by passengers.

### **29. *Hackney Carriage Distinguishing Features***

Hackney Carriages must be readily identified as such, being easily distinguishable from other Licensed Vehicles<sup>59</sup>: Hackney Carriages must be fitted with an approved design of roof sign with the word "TAXI" clearly visible, and which must be illuminated when the vehicle is available for hire.

### **30. *Hackney Carriage Vehicle Specification***

This Licensing Authority lays down general specifications for Licensing of Hackney Carriages in 'Conditions relating to the Construction and Licensing of Hackney Carriages in the District of Chichester – December 2012' (see Appendix B), and 'Hackney Carriage Byelaws' (see Appendix C).

### **31. *Hackney Carriage Advertising***

Subject to prior written approval by this Licensing Authority, advertisements will be permitted on both the inside and outside of Hackney Carriages: Other than their financial aspects, Proprietors must provide to this Licensing Authority full details of advertising contracts.

Advertisements inside the vehicle may be displayed only on the base of tip-up seats, and along the bulkhead on top of the passenger/ driver partition. So as to be easily cleaned, all such advertisements must have a clear and fire-retardant covering.

Suitable outside advertisements may consist of a single full livery advertisement only, OR single advertisements displayed on the lower panel of the front doors only: **It is not permitted for vehicles to display both types at the same time.**

Upon expiry/ termination of an advertising contract, all remnants of adverts attached to or displayed on the vehicle must be professionally removed to the receipted satisfaction of this Licensing Authority, necessarily the Licensed Vehicle being presented for inspection at CCS or by an Authorised Officer.

<sup>58</sup> s.68 Local Government (Miscellaneous Provisions) Act 1976

<sup>59</sup> Pursuant to s.47 of the Local Government (Miscellaneous Provisions) Act 1976

## **PART F: ADDITIONAL SPECIFIC REQUIREMENTS FOR PRIVATE HIRE VEHICLE LICENCES**

### **32. *Private Hire Vehicle Distinguishing Features***

It is a requirement that Private Hire Vehicles are of such design and appearance that no person will believe them to be Hackney Carriages.<sup>60</sup>

Private Hire Vehicles Licensed by this Licensing Authority and used for 'mainstream' Private Hire work<sup>61</sup> are readily identifiable<sup>62</sup> by the yellow Licensed Vehicle Identification Plate that must be affixed to the outside rear of the vehicle, together with the issued adhesive Door Badges that must be affixed using their adhesive qualities to the upper solid part of both rear doors so as to be clearly visible. These Door Badges show the Vehicle's Licence number, the Chichester District Council logo, and state clearly that the vehicle must be pre-booked: Both Licensed Vehicle Identification Plate and Door Badges must be affixed to the vehicle at all times whilst the vehicle remains Licensed.

Further, Private Hire Vehicles Licensed by this Licensing Authority must not carry any roof sign nor external advertising, but a narrow horizontal strip with 58mm (2¼") high letters may be affixed across the base of the rear window showing the name and telephone number of the Private Hire Operator: The lettering on the strip must not contain the words "taxi", "cab", nor any other similar wording that could or might mislead members of the public into believing the vehicle to be a Hackney Carriage.

### **33. *Private Hire Vehicle 'Taxi' Meters***

There is no requirement for Private Hire Vehicles Licensed by this Licensing Authority to be fitted with a 'Taxi' meter. However, if fitted, any meter must be of a type approved by Transport for London Taxi and Private Hire in document TfL Taximeter Specification Version 2 issued May 2017, and must be operated in accordance with the Law, together with the Byelaws and Licence Conditions of this Licensing Authority: Taximeters must be maintained in full and calibrated working order, subjected to annual (yearly) testing as part of the Fitness Test at the time of Licence Renewal, and as required at any time by an Authorised Officer.

Should an Operator wish to install a meter in an existing Private Hire Licensed Vehicle which currently does not have such a meter fitted, first they must notify this Licensing Authority of their intention to make such an installation, then the meter must be professionally installed, calibrated, sealed, and all documentation provided to this Licensing Authority. Prior to the meter being used, it must be presented for Meter Fitness Testing at CCS where, upon successful completion, a Certificate will be issued and which must be forwarded to this Licensing Authority.

This Licensing Authority does not set Private Hire tariffs, however a Tariff Card showing the Operator's published tariffs (declared to, lodged, receipted, and maintained as current with this Licensing Authority), must at all times be prominently displayed within the vehicle so as to be clearly visible to, and easily read by passengers: Any complaint made by passengers regarding tariffs and

<sup>60</sup> s.48(1)(a)(ii) Local Government (Miscellaneous Provisions) Act 1976

<sup>61</sup> Not those subject to Exemption under s.75(3) Local Government (Miscellaneous Provisions) Act 1976

<sup>62</sup> Pursuant to 'Annex - Staying Safe' of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

overcharging will be considered by reference to the most recent **receipted** Tariff Card lodged by the Operator with this Licensing Authority.

**34. *Private Hire Vehicle Exemption under s.75(3) Local Government (Miscellaneous Provisions) Act 1976***

Application may be made to this Licensing Authority by the Proprietor of a Private Hire Vehicle for exemption from displaying an external Vehicle Plate and Door Badges.<sup>63</sup>

However, this Licensing Authority will only grant such an exemption if compelling evidence (which is both sufficient and to its satisfaction), be provided by the Proprietor of the Licensed Vehicle that it will be used solely and exclusively for chauffeured, 'high-end' executive, or VIP work. Any general Private Hire work, regardless of its frequency or distances travelled, will exclude a Private Hire Vehicle from such an Exemption being granted.

Where an Exemption is granted, a Statement of Declaration will be issued to the Proprietor of the Private Hire Vehicle, together with the standard Internal ID Card but, instead of the standard Vehicle Licence Plate, a small Vehicle Licence Plate which must be displayed inside either the front or rear window of the Private Hire Vehicle: The Statement of Declaration must be retained in the Private Hire Vehicle at all times. The Licensed Driver of such an Exempted Private Hire Vehicle is not required to wear the Driver's Badge, but must have it with them for production upon requirement by an Authorised Officer or Police Constable.

**Where an exemption ceases to apply, a previously-Exempted vehicle must display an External Vehicle Licence Plate and Door Badges which the Proprietor must obtain from this Licensing Authority. In addition, the Licensed Driver must again wear the Driver's Badge in the normal manner.**

**35. *Private Hire Safety Partition Screens***

This Licensing Authority supports the installation of Hackney Carriage style Safety Partition Screens in Private Hire Vehicles to improve the safety of Private Hire Drivers in reducing the threat of attack by passengers. Also it is recognised that by fitting and using such devices, together with employing other measures such as good ventilation and positioning of passengers, they may provide some degree of protection from, and control of, disease infection e.g. COVID-19.

However, all newly-manufactured vehicles have been rigorously tested (NCAP) and achieved European Whole Vehicle Type Approval: Changing or adding to the interior of the vehicle can alter the 'type approval', and may have consequences as to what happens inside a vehicle in the event of a collision. Consequently, whether or not a safety partition screen should be installed is a matter for vehicle Proprietors and their Insurer.

To assist in making a decision, together with the specific requirements of this Licensing Authority, see 'Guidelines for Private Hire Vehicle Safety Partition Screens' (Appendix G).

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<sup>63</sup> s.75(3) Local Government (Miscellaneous Provisions) Act 1976

## **PART G: REQUIREMENTS RELATING TO PRIVATE HIRE VEHICLE OPERATORS**

### **36. *Private Hire Operators' Conduct & co-operation with Authorised Officers and Police; 'Fit and Proper Person'***

All Private Hire Operators must exhibit a high standard of general conduct, behaving in a civil and orderly manner both with members of the public, and in fully co-operating with Authorised Officers and the Police in the lawful execution of their duties<sup>64</sup>: Any instance of non-compliance, non-co-operation, and use of foul or insulting words or behaviour is viewed most seriously, calling into question their status as a 'Fit and Proper Person' to hold a Private Hire Operator's Licence, with such matters being investigated, recorded against individual Licence Holders, and causing consideration of Suspension or Revocation of, or a refusal to Renew a Licence.

### **37. *Private Hire Operators' DBS Criminal Record check, Safeguarding, Child Sexual Abuse and Exploitation (CSAE)***

This Licensing Authority requires all Private Hire Operator Applicants and existing Operators of Private Hire Vehicles to provide checks of their own Criminal Conviction status<sup>65</sup>. These are required upon initial Application, annually (yearly) during the Licensed period, and at subsequent Renewals. Applicants and existing Operators not already providing the Enhanced DBS Criminal Record check Certificate in their separate standing as a Hackney Carriage/ Private Hire Vehicle Driver, must provide a Basic DBS Criminal Record check Certificate which is no more than 3 months old: Operators which are Limited Companies or Partnerships must provide such Certification for every Director/ Partner of the Company/ Partnership.

Further, should there be any change to the Criminal Record status of any individual Operator, or Director/ Partner of a Company/ Partnership Operator at any time during the Licensed period, it is incumbent upon the Operator immediately to notify this Licensing Authority: Dependent on the nature and/ or circumstances of the matter, consideration may be given to Suspension, Revocation, or refusal to Renew a Licence.

### **38. *Private Hire Operators' Duty to conduct Basic DBS Criminal Record checks on booking & dispatch staff***

This Licensing Authority requires <sup>66</sup>all Private Hire Operator Applicants and existing Operators of Private Hire Vehicles to:

- Maintain a 'live/ rolling' Register of all booking & dispatch staff in their employment, the details being retained for six (6) months from the date of any booking and/ or dispatch, regardless of the individual's employment status;
- Provide to this Licensing Authority a written hard format copy of the Operator's Policy on employing ex-offenders;

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<sup>64</sup> Pursuant to s.55, s.62 and s.73 Local Government (Miscellaneous Provisions) Act 1976

<sup>65</sup> Pursuant to s.8 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>66</sup> Pursuant to s.8.7-8.12 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

- For each and every individual on the aforementioned Register, for new employees at the time of their engagement, for existing employees at the time of creation of the Register, confirm sight of their recently-issued (less than 3 months old) Basic DBS Criminal Record Certificate, and that they are suitable to decide such matters as who is sent to transport an unaccompanied child or vulnerable adult<sup>67</sup>;
- Require such employed staff, as part of their Contract and terms of employment, immediately to notify the Operator of any fresh convictions of any sort.

**Note: Should the Operator outsource their booking/ dispatch functions to a third party, the responsibility remains with them regarding CSAE matters: In such situations, the Operator must confirm that the third party has evidenced to them that it employs equally rigorous protections.**

### 39. ***Private Hire Operators' Record Keeping***

This Licensing Authority requires Private Hire Operators to **keep records in an orderly manner suitable for inspection, and for a minimum of six (6) months** regarding every booking invited or accepted, whether by a passenger or another Private Hire Operator<sup>68</sup>. These details must be retained in accordance with their duties and responsibilities as Data Controllers under current Data Protection legislation<sup>69</sup>.

Details that must be recorded and retained for the minimum 6-month period are:

- Name of the passenger;
- Date and Time of request (booking);
- Pick-up point;
- Date and Time of pick-up;
- Destination;
- Name of Driver;
- Driver's Licence Number (Badge Number);
- Registration Number and Vehicle Plate Number;
- Name of any individual who responded to the booking request;
- Name of any individual who dispatched the vehicle.

At any time, this Licensing Authority may require the Private Hire Operator to provide the booking records for inspection: Whether computerised or otherwise, the records must be presented in a format and manner to make them suitable for that purpose.

### 40. ***Private Hire Operators' Use of Passenger Carrying Vehicle (PCV)-only Licensed Drivers & Public Service Vehicles (PSVs)***

Private Hire Operators must not use Passenger Carrying Vehicle (PCV)-only qualified drivers to fulfil bookings where a vehicle larger than that permitted under

<sup>67</sup> With reference to the 'Assessment of Previous Convictions' annex to the Statutory Taxi & Private Hire Vehicle Standards' (July 2020)

<sup>68</sup> Pursuant to s.56 Local Government (Miscellaneous Provisions) Act 1976

<sup>69</sup> Details available from the Information Commissioner's Office <https://ico.org.uk>

Private Hire legislation (i.e. Public Service Vehicle (PSV) with more than 8 passenger seats is required to fulfil a booking), this due to PCV-only Drivers not being subject to the same stringent DBS Enhanced Criminal Record checks, nor Safeguarding Training as Private Hire Licensed Drivers.<sup>70</sup>

Where a larger vehicle is required, the person booking must be informed of, consent to, and the matter recorded on the booking record, that a PSV is being utilised with a PCV-only qualified Driver.<sup>71</sup>

#### **41. *Sub-contracting by Operators***

A Private Hire Operator who has accepted a booking for a Private Hire Vehicle, may arrange for another licensed operator to provide a vehicle to carry out the booking.<sup>72</sup>

**Note: Should the Operator outsource their booking/ dispatch functions to a third party, the responsibility remains with them regarding CSAE matters: In such situations, the Operator must confirm that the third party has evidenced to them that it employs equally rigorous protections.**

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<sup>70</sup> Pursuant to s.8.16 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>71</sup> Pursuant to s.8.17 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>72</sup> s.55A of Local Government (Miscellaneous Provisions) Act 1976

## **PART H – MISCELLANEOUS PROVISIONS**

### **42. *Authorised Officer, Legal Officer, and Member Training***

It is essential that individuals determining whether a Licence is issued or refused are competent to do so: Such individuals must have sufficient knowledge, experience, and training in Hackney Carriage and Private Hire Licensing matters.

Officers of this Licensing Authority, especially members of the Licensing Team, Legal Services, and all Members of the General Licensing Committee have received appropriate and documented training. Ongoing update and refresher training is provided as necessary.

### **43. *Enforcement and Complaints***

Holders of Licences must maintain a high standard at all times so as to ensure the continued promotion of public safety. This is achieved by full compliance with the Conditions attached to a Licence, as well as the various general statutory requirements: This Licensing Authority monitors compliance.

This Licensing Authority liaises with the Police and other agencies on issues of enforcement, including crime prevention, public safety, transporting and protection from harm of children and vulnerable adults. This is to continue to develop the enforcement protocol which is already in place, targeting resources at problem and high-risk issues of concern and potential harm.

This Licensing Authority conducts inspections of vehicles with ad-hoc operations as well as participating in 'Op Cabbie' and 'Op Arizona', co-ordinating with other inspection/ enforcement agencies; similarly, inspections of an Operator's booking records and drivers' professional behaviour will be made on a targeted and risk-assessed basis, or following a complaint. Complaints may be submitted to this Licensing Authority by email, in person, via the website, or by telephone.

Complaints about Licence holders are a source of intelligence when considering the renewal of a Licence, and in identifying any problems during the Licensed period: Patterns of complaints against a particular Licence holder may be indicative of characteristics that raise doubts about their suitability to hold a licence.

Details of all complaints and inspections are recorded within this Licensing Authority's electronic database and supporting document management system. The recording of subsequent investigations, visits, and actions assists this Licensing Authority in determining where a Licence holder has fallen, or is falling below the high standards expected of them.

When considering whether it is necessary to take action in relation to a particular matter, this Licensing Authority will consider each case on its merits, and in accordance with the enforcement policy. Following a complaint investigation/ inspection, this Licensing Authority may take no further action, issue a written warning, make a formal review of a Licence, or issue a Suspension or Revocation Notice.

**Note: The Police are notified of all Suspensions and Revocations.**

#### 44. **Licensing Forms**

Only current Forms will be accepted by this Licensing Authority: Obsolete Forms will be rejected.<sup>73</sup>

#### 45. **Fees and Charges**

**Fees and charges are payable at the time of Application or notification of the relevant charge:** Until all necessary fees and charges are paid, Applications/ Notifications are not complete and valid, and will not be processed. **The Application/ Notification process, together with all requirements for maintenance of all Licences, are at the expense of the Applicant/ Licence holder.**

Dependent on the Licence Type, the chargeable fees include elements for administration and maintenance, and will be reviewed annually (yearly) in accordance with the statutory provisions<sup>74</sup>: Current Fees for all Licence types are available on request, but also are published on the Chichester District Council website: <https://www.chichester.gov.uk/taxilicensingcosts>

Proportionate Fees refunds for some Licences are available to the following criteria upon application to this Licensing Authority, but only on a full calendar year basis at the time of such receipted application being made:

- For a one (1) year Licence: No refund available;
- For a three (3) year Licence: Up to first anniversary 50% of fee; up to second anniversary 25% of fee; after second anniversary, no refund available;
- For a five (5) year Licence: Up to first anniversary 75% of fee; up to second anniversary 50% of fee; up to third anniversary 25% of fee; after third anniversary, no refund available.

#### 46. **National Fraud Initiative; General Data Protection Regulations and Data Protection Act 2018**

Chichester District Council as the Licensing Authority is under a duty to protect the public funds it administers and, to this end, may use information provided for the prevention and detection of fraud. Also, it may share this information with other bodies responsible for auditing or administering public funds. For further information see <https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text#contents>

Chichester District Council as the Licensing Authority manages personal data in accordance with the provisions contained within current data protection legislation: Information may be shared with other departments within the Council, other enforcement agencies, and consulting bodies, including the DVLA, Police, and other partners as permitted in Law. For more information see [www.chichester.gov.uk/dataprotectionandfreedomofinformation](http://www.chichester.gov.uk/dataprotectionandfreedomofinformation)

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<sup>73</sup> Forms are available on application, but also are published on the Chichester District Council website: <https://www.chichester.gov.uk/taxilicence>

<sup>74</sup> s.53(2) and s.70 Local Government (Miscellaneous Provisions) Act 1976