

Public Document Pack

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A meeting of **General Licensing Committee** will be held in Committee Room 2, East Pallant House on **Wednesday 12 October 2022 at 9.30 am**

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

AGENDA

1 **Chairman's Announcements**

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

2 **Minutes** (Pages 1 - 4)

To approve as a correct record the minutes of the General Licensing Committee meeting held on 8 June 2022.

3 **Urgent Items**

The Chairman will announce any urgent items that due to special circumstances are to be dealt with under the agenda item below relating to Late Items.

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 second working day before the meeting (for a period of up to 15 minutes).

6 **Proposed increase to Hackney Carriage Table of Fares** (Pages 5 - 11)

The General Licensing Committee is requested to consider the report and make the following resolution:

That the General Licensing Committee considers and approves the proposed increase in the local Table of Fares (the 'tariff') as shown at Appendix A. This will

take effect unless objections are received in response to a public consultation.

- 7 **Revised Hackney Carriage (Taxi) and Private Hire Policy 2022** (Pages 13 - 54)
The General Licensing Committee is requested to consider the report and make the following resolution:

That Members consider, approve, and adopt for immediate use the revised Hackney Carriage and Private Hire Policy 2022 as shown at Appendix 1.

- 8 **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.

- 9 **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 on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports.](#)
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. 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 their 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.



Minutes of the meeting of the **General Licensing Committee** held in Committee Rooms, East Pallant House on Wednesday 8 June 2022 at 9.30 am

Members Present: Mr G McAra (Chairman), Mr A Moss (Vice-Chairman), Miss H Barrie, Mr J Elliott, Mr A Sutton and Mrs S Taylor

Members not present: Mrs T Bangert, Mr G Evans, Mr C Page and Mr H Potter

In attendance by invitation:

Officers present: Ms A Appleton (Senior Environmental Health Officer), Ms G Di Lauro (Litigation and Licensing Lawyer) and Mrs L Dyer (Health Protection Manager)

56 **Chair's Announcements**

Apologies were received from Cllr Bangert, Cllr Evans, Cllr Page and Cllr Potter.

57 **Minutes**

RESOLVED

That the minutes of the meeting held on 1 November 2021 be approved and signed by the Chair as a correct record.

58 **Urgent Items**

There were no urgent items.

59 **Declarations of Interests**

There were no declarations of interest.

60 **Public Question Time**

There were no public questions.

61 **Review of Skin Piercers Registration Policy, Fees and Charges**

Mrs Dyer introduced the report. She informed the Committee that the current registration charge was for a single fee of £87 covering both premises and practitioners. However, this is not compliant with legislation that requires both premises and practitioners to be registered separately.

Mrs Dyer drew the Committee's attention to the proposed charges as set out in section 5 of the report.

Officers responded to Members' questions and comments as follows;

In response to a question from Cllr Barrie; Mrs Dyer informed the Committee all skin piercers currently registered with the Council had been informed of the proposed changes to fees and charges from 1 July 2022. Those already registered with the Council would be given until 1 September 2022 to renew their registration at no extra charge. All new registrations would take effect from 1 July 2022.

In a response to a question from Cllr Moss; Mrs Dyer confirmed that both premises and practitioner must be registered. Any person working at a registered premises must hold their own practitioner licence. A person with a practitioner's licence can work at different premises within the District as long as the premises is also registered.

In response to a question from Cllr Moss; Mrs Dyer informed the Committee that the charges were comparable with other authorities and gave some examples. She explained that Chichester was higher than some authorities as it was big district and travel allowance had been considered when the fees were structured.

In response to a question from Cllr Moss; Mrs Dyer informed the Committee that checks for tattooists, piercers and acupuncturists were included within the team service plan and rotated on yearly basis. However, if a complaint is made regarding a practitioner or premises the Environmental Health Officers and Technicians would investigate straight away. Mrs Dyer explained that a registration can not be refused, however, once registered the applicant or premises are issued with a number of by-laws; should they fail to comply then (following investigation) notices can be served on them.

In response to a question from Cllr Taylor; Mrs Dyer explained that when spot checks were carried out, they were done so without prior notification; unless the premises was a domestic property and then a notice period of 24 hours was required.

In response to a question from Cllr McAra; Mrs Dyer informed the Committee that there was no cross boundary working, a practitioner registered in a neighbouring authority would not be able to operate within Chichester District.

On the advice of Ms Di Lauro; Mrs Dyer provided the Committee with further details of the powers available under the Health and Safety Act to the Council.

In a vote the Committee agreed the following resolution:

That the General Licensing Committee approves the revised skin piercers policy, fees and charges.

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

There were no late items.

63 **Exclusion of the press and public**

There was no requirement to exclude the press and the public.

The meeting ended at 9.44 am

CHAIRMAN

Date:

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Chichester District Council

General Licensing Committee 12th October 2022

Proposed increase to Hackney Carriage Table of Fares

1. Contacts

Report Author

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Alison Courtney – Licensing Technician

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2. Executive Summary

This Licensing Authority received a formal request from holders of Hackney Carriage Licences requesting that the local Table of Fares (the 'tariff') be reviewed. Officers have conducted a review and Members are asked to approve the revised increase in tariff which will be subject to consultation.

3. Recommendation

- 3.1 That the General Licensing Committee considers and approves the proposed increase in the local Table of Fares (the 'tariff') as shown at Appendix A. This will take effect unless objections are received in response to a public consultation.**

4. Background

- 4.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to fix the rates or fares within the district for waiting time and distance travelled along with all other charges in connection with the hire of a hackney carriage vehicle, or with the arrangements for the hire of a vehicle, to be paid by means of a tariff. Once determined, the fees are charged consistently to passengers whether they be hailing a hackney carriage in the street or boarding at designated hackney carriage stand.
- 4.2 The Council's current tariff was last reviewed in 2013 with the rates and fares at that time being increased on the 22nd April 2013. When setting the rates and fares, the Council seeks to set these at a reasonable and fair amount for both the licence holder and passenger.
- 4.3 During late 2021, the Council was contacted by two current holders of hackney carriage licences. The two individuals explained that they were acting as representatives on behalf of other hackney carriage licence holders and were requesting that the Council undertakes a review of the current tariff. In support of this

request, a document containing the signatures of 28 licensed hackney carriage drivers (currently 45 are individuals licensed to drive hackney carriage vehicles) was provided demonstrating a clear support for the review.

- 4.4 Officers subsequently met with the two representatives of hackney carriage licence holders in order to discuss the current tariff. It was accepted that the tariff worked well in terms of its overall structure however, due to the passage of time, there was a clear need to review and increase some charges.

5. Outcomes to be Achieved

- 5.1 To ensure that the various charges associated with the use of hackney carriage vehicles are set at an appropriate level for both licensees and the travelling public and reflect the true cost of providing this service in the current economic climate.
- 5.2 To ensure the continuation of affordable and safe local hackney carriages which are integral to and support the local public transport infrastructure. Such provision is essential to the needs of those visiting, working or residing within the Chichester district.

6. Proposal

- 6.1 Given the current cost of living pressures affecting everyone, the two representatives of the licensed trade were acutely aware that any increase must be measured, appropriate and proportionate. In order to calculate an appropriate increase, the Bank of England's inflation calculator was used indicating that the average rate of inflation for the past 10 years had been approximately 1.6% per annum. This was therefore agreed to be an acceptable formula to determine any potential increase since the last review of the tariff.
- 6.2 On the basis of inflation averaging 1.6% per annum for the last 10 years, it is believed appropriate to increase most of the current tariff by a single one-off increase of 16%, rather than compounding the percentage increase year on year which would result in a higher increase. The representatives of the licensed trade were in support of this approach as they were concerned that a higher increase might be detrimental to the trade. The only proposed exception to the 16% increase, is in relation to 'waiting time' where it is proposed to increase this by 50%. Presently the waiting time is calculated at 10p per 30 seconds, thereby resulting in an hourly rate of £12.00. This is now believed to be far too low, and the proposal is to increase this to 10p per 20 seconds, thereby resulting in an hourly rate of £18.00.
- 6.3 With respect to the 'Extra' charges on the current tariff, the intention is to increase the 'Soiling Charge' from £50.00 to £100.00. The point has been made that if a vehicle is soiled, then quite often the cost to clean or repair the vehicle is not only far more than £50.00, but also the licence holder suffers a period of loss of earnings as they are unable to work whilst the vehicle is being cleaned/ repaired. Having reviewed other Council's charges, £100 is consistent and now seems reasonable. The only other amendment to the 'Extra' charges is simply to add a reference making it clear that the 30p 'Fuel Surcharge' only has effect when the cost of fuel is in excess of £2.00 per litre. The Department for Business, Energy & Industrial Strategy publishes road fuel price statistics providing average UK retail 'pump' prices on a weekly basis. This provides a measure as to when it may be appropriate for this extra charge to be

levied. As at 26th September 2022 prices were 163.75p per litre for ultra-low sulphur unleaded petrol and 180.31p for ultra-low sulphur diesel and therefore presently well under £2.00.

- 6.4 In the last couple of years local and statutory changes have been made to various licensing processes associated with hackney carriage licences. These changes have all been essential in promoting public safety, however in some cases they have naturally resulted in additional cost to licence holders e.g. more frequent vehicle inspections. Like everyone, licence holders are also facing the obvious pressures caused by general inflation. It is therefore crucial that those licensed by the Council can charge such that they are appropriately remunerated for the service that they provide.
- 6.5 'The National Hackney Fares Tables' published in September 2022, show the fares set nationally by councils for a two mile journey on Tariff 1. Our proposed charge would be £7.08 which would put the Council in 83rd position nationally out of 355, we are presently 206th. The national average two mile hackney carriage fare is currently £6.55. The national table is shown at Appendix B.
- 6.6 The proposed updated tariff incorporating all the changes referred to above, is shown at Appendix A.

7. Alternatives Considered

- 7.1 Note the concerns of the current hackney carriage licence holders but take no action. This potentially will result in hackney carriage licence holders financially being unable to sustain their operation and consequently leaving the trade.
- 7.2 Work in collaboration with current hackney carriage licence holders and interested parties to amend our current tariff appropriately.

8. Resource and Legal Implications

- 8.1 If Committee determines to approve the proposed increases, a public notice to this effect must be placed in the local newspaper enabling any person to object to the proposed increase. The proposed fare tariff must also be available at the Council's office for 14 days for scrutiny by the public to allow objections to be made. Any objections that are received, and not withdrawn or successfully mediated, must be considered by the Committee, which must then set a new date for the consideration of the new fares with, or without, modification.

9. Consultation

- 9.1 As mentioned above, it is a requirement that a statutory notice is placed in a local newspaper advertising the proposed increase. In addition, all existing holders of a hackney carriage licence will be formally written to inviting them to consider and submit any objections they may have to the proposed increases.

10. Community Impact and Corporate Risks

- 10.1 Hackney carriages provides an important part of the local transport infrastructure. If licence holders are unable to generate sufficient income to sustain their operation,

they might very well leave the profession. This would have a direct negative impact on our local transport network and the movement of people.

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder It is essential that licence holders have a suitable and sufficient charging mechanism to secure an appropriate income. This in turn not only encourages licence holders to remain in the profession and serve the local community, but provides an affordable and safe means of transport for the travelling public, particularly late at night.	✓	
Biodiversity and Climate Change Mitigation		✓
Human Rights and Equality Impact.		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing		✓
Other (please specify)		✓

12. Appendices

12.1 Appendix A – Proposed ‘Table of Fares’

12.2 Appendix B - ‘The National Hackney Fares Tables’ published in September 2022.

13. Background Papers

13.1 None

TABLE OF FARES (Effective from ~~22nd April 2013~~)



FARES				
FARES FOR DISTANCE OR TIME	DAYTIME RATE EVERY DAY 06:00-23:00 (TARIFF 1)	NIGHT TIME RATE EVERY DAY 23:00-06:00 CHRISTMAS EVE 18:00-00:00 BOXING DAY 06:00-00:00 NEW YEARS EVE 18:00-00:00 NEW YEARS DAY 06:00-00:00 (TARIFF 2)	PUBLIC AND BANK HOLIDAYS 06:00-23:00 (EXCLUDING CHRISTMAS DAY, BOXING DAY & NEW YEARS DAY) (TARIFF 3)	CHRISTMAS DAY 00:00-23:59 BOXING DAY 00:00-06:00 NEW YEARS DAY 00:00-06:00 (TARIFF 4)
TO HIRE THIS TAXI FOR THE FIRST 1517 4760 YDS (T.1) OR 397 667.5 YDS (T.2)	£4.00 (in effect a 16% increase as distance travelled has decreased)	£4.00 (in effect a 16% increase as distance travelled has decreased)	£5.00 00 (in effect a 16% increase as distance travelled has decreased)	£8.00 (in effect a 16% increase as distance travelled has decreased)
FOR THE 1 ST MILE	£4.00 £4.64	£5.80 £6.73	£5.00 £5.80	£8.00 £9.28
FOR EACH MILE THEREAFTER	£2.10 £2.44	£2.90 £3.36	£2.10 £2.44	£4.20 £4.87
WAITING TIME PER 20 30 SECONDS	10p (in effect a 50% increase as waiting time decreased)	10p (in effect a 50% increase as waiting time decreased)	10p (in effect a 50% increase as waiting time decreased)	10p (in effect a 50% increase as waiting time decreased)

PRICE GUIDE – COST MAY VARY DEPENDING ON NATURE OF JOURNEY				
2 MILES	£6.40 £7.08	£8.70 £10.09	£7.10 £8.24	£12.20 £14.15
3 MILES	£8.20 £9.52	£11.60 £13.45	£9.20 £10.68	£16.40 £19.02
5 MILES	£12.40 £14.40	£17.40 £20.17	£13.40 £15.56	£24.80 £28.76
10 MILES	£22.90 £26.60	£31.90 36.97	£23.90 £27.76	£45.80 £53.11

EXTRAS	
SOILING CHARGE	£50 £100
FOR EACH PASSENGER IN EXCESS OF ONE	30p
FOR EACH BICYCLE (CARRIED AT DRIVER'S DISCRETION)	£1.20
FOR EACH DOG (CARRIED AT DRIVER'S DISCRETION) EXCLUDING GUIDE AND ASSISTANCE DOGS	60p
FOR THE TOTAL LUGGAGE CARRIED	30p
FUEL SURCHARGE (IF APPLICABLE <u>WHEN FUEL COSTS OVER £2.00 / LITRE</u>)	30p

COMPLIMENT OR COMPLAINT

Should you wish to make a compliment or complaint regarding your journey today, please submit this (including the number below) to the Licensing Team at Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY or telephone 01243 785166 or email licensing@chichester.gov.uk

HACKNEY CARRIAGE VEHICLE LICENCE NUMBER

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Chichester District Council

General Licensing Committee

12th October 2022

Revised Hackney Carriage (Taxi) and Private Hire Policy 2022

1. Contacts

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2. Executive Summary

A new Hackney Carriage and Private Hire Policy (the 'policy') was adopted by the Council in July 2021. Implementation of the policy over the last 14 months has highlighted a number of elements which require minor amendment. In addition, some new statutory requirements have come into effect which should be referenced and incorporated into the policy. An updated policy incorporating the necessary changes has been prepared and is attached as an appendix.

3. Recommendations

3.1 That Members consider, approve, and adopt for immediate use the revised Hackney Carriage and Private Hire Policy 2022 as shown at Appendix 1.

4. Background

4.1 The Council's current Hackney Carriage and Private Hire Policy was adopted on 20 July 2021. The policy sets out very clearly the expectations that the Council has with respect to all forms of hackney carriage and private hire licensing (driver, vehicle, and operator) and to date has served the Council well.

4.2 However, in light of implementing the policy over the past 14 months, Officers have identified that a number of areas require minor amendment. It is expected that these changes will have a positive effect in terms of both interpretation by applicants and implementation by Officers. In addition, several new statutory requirements have come into effect which are necessary and appropriate to refer to and include within the policy.

4.3 It is not believed that any of the proposed amendments constitute significant policy changes, however they are considered necessary in order to keep the policy up to date which is beneficial to the Council, current licence holders, and future applicants.

4.4 It is important to note that the current policy has not been the subject of any legal challenge or complaint.

5. Outcomes to be achieved

- 5.1 The revised policy will ensure that not only is there a continuation of a policy fit for the Chichester district, but one that continues to promote the overriding objective of public safety.

6. Proposal

- 6.1 The proposed policy amendments are all shown as 'track-changes', however for ease and to assist, provided below is a summary:

Section 5 Private Hire Operator's Licence - (page 7 of revised policy)

It has been reinforced to reflect case law that in order to accept and process bookings as an operator licensed by this Licensing Authority, that the physical location where an Operator accepts and processes such a booking, must be within the Chichester district.

Section 6 – Requirements relating to both Hackney Carriage and Private Hire Drivers (page 10 of revised policy)

From the 4 April 2022, it became a statutory requirement under the Finance Act 2021 for all applicants to either provide a HMRC Tax Check Share Code or, if not previously licensed, confirm in writing that they are aware of their tax responsibilities.

Section 7 – Entitlement to Live and Work in the United Kingdom (page 10 of revised policy)

Simple update to reflect the new streamlined process of undertaking statutory right to work checks with the Home Office using a right to work share code.

Section 12 – Knowledge Test (page 14 of revised policy)

Confirmation that a Knowledge Test pass certificate remains valid for one year from the pass date.

Section 13.1 - Driving Standards Assessment (page 14 of revised policy)

Inclusion of holders of a current Public Service Vehicle Licence as being individuals who may already have reached the required driving standard.

Section 14 – Medical Fitness/ D4 Medical Examination (page 15 of revised policy)

As has always been the case, an applicant or licence holder's medical must always be undertaken by a GP at the practice with which the applicant/ licence holder is registered, and who also has access to the applicant's full medical history.

Section 20 - Vehicle Specification, Age, Appearance, and Environmental Impact (page 19 of revised policy)

This Licensing Authority seeks to confirm its historic and current position in that it will not licence, nor allow a vehicle to continue to benefit from being licensed by another Licensing Authority, commonly referred to as 'dual plating'.

Section 20.4 – Tinting of windows (page 21 of the revised policy)

Amendment to aid the interpretation and understanding of what constitutes an acceptable 'tint' for glazing.

Section 21.3.2 – Renewal Vehicle Applications (page 23 of revised policy)

Confirmation that in respect of MOT Test Pass Certificates, these must not have been issued more than one calendar month before a complete and correct renewal application is submitted.

Section 24.2 – First Aid Kit (page 25 of revised policy)

For the avoidance of doubt, it has been confirmed that items in a First Aid kit must be in date.

Section 25 – Closed-circuit Television (CCTV) in Licensed Vehicles (page 26 of revised policy)

It has been clarified exactly where CCTV signage is to be displayed on a licensed vehicle.

Section 28 – Hackney Carriage Taximeters (page 28 of revised policy)

Confirmation of the Licensing Authority’s expectation that written receipts will be provided upon request by a passenger.

Section 36 - Private Hire Operators’ Conduct & co-operation with Authorised Officers and Police; ‘Fit and Proper Person’ (page 32 of revised policy)

Confirmation of new HMRC and Home Office requirements identical to those referred to at Section 6 and 7 above.

7. Alternatives Considered

7.1 Whilst it is believed that the proposed changes will have a positive effect for all interested parties, of course an alternative is to continue with the current policy.

8. Resources and Legal Implications

None

9. Consultation

9.1 As referred to above, given the nature of the proposed amendments it is not believed necessary on this occasion to consult with any other interested parties such as existing licence holders. Nonetheless all license holders will be notified of the updates, if approved.

10. Community Impact and Corporate Risks

None

11. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		✓
Biodiversity and Climate Change Mitigation		✓
Human Rights and Equality Impact.		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing		✓
Other (please specify)		✓

12. Appendix

13. Background Papers

None

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Approved by General Licensing Committee: 24th June 2021
Approved by Cabinet: 6th July 2021
Approved by Council: 20th July 2021
Document filename: Hackney Carriage and Private Hire Policy (v1) (20.07.2021)

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 Safety¹.

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.²

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

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

² 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
CONTENTS

SECTION	Page
Part A – Types Of Licence	
1 Hackney Carriage Driver's Licence	6
2 Hackney Carriage Vehicle Licence	6
3 Private Hire Driver's Licence	7
4 Private Hire Vehicle Licence	7
5 Private Hire Operator's Licence	7
Part B – Requirements Relating To <u>Both</u> Hackney Carriage And Private Hire Drivers (or Dual Licensed)	
6 Who can Apply/ Eligibility	9
7 Entitlement to Live and Work in the United Kingdom	9
8 'Fit and Proper Person'/ Good Character	10
9 Convictions, Cautions, Investigations, Pending matters	10
10 Disclosure and Barring Service (DBS) checks, Safeguarding, Child Sexual Abuse and Exploitation (CSAE)	11
11 Conduct & co-operation with Authorised Officers and Police; Hygiene, Dress & Appearance	11
11.1 <i>Conduct & co-operation with Authorised Officers and Police</i>	11
11.2 <i>Hygiene, Dress & Appearance</i>	11
12 Knowledge Test	12
13 Driving Standards Assessment, Passengers in Wheelchairs, Assistance Dogs	12
13.1 <i>Driving Standards Assessment</i>	12
13.2 <i>Passengers in Wheelchairs</i>	13
13.3 <i>Assistance Dogs</i>	13
14 Medical Fitness/ D4 Medical Examination	13
15 Driver and Vehicle Licensing Agency (DVLA) Driving Licence and Driving Permission	14
16 Driver's Badge	14

Part C – Additional Specific Matters for Hackney Carriage Drivers

17	Hackney Carriage Stands (Taxi Ranks)	16
----	--------------------------------------	----

Part D – Requirements Relating To Both Hackney Carriage And Private Hire Vehicles

18	Licensed Vehicle Proprietors' Conduct & co-operation with Authorised Officer of the Licensing Authority and Police	17
19	Licensed Vehicle Proprietor's DBS Criminal Record checks	17
20	Vehicle Specification, Age, Appearance, and Environmental Impact	17
20.1	<i>'Wrapping' of vehicles</i>	18
20.2	<i>Seating Capacity</i>	18
20.3	<i>Wheels and Wheel Trims (Hub caps); Tyres</i>	19
20.4	<i>Tinting of windows</i>	19
20.5	<i>Trailers, roof-boxes, and roof-racks</i>	19
20.6	<i>Registration Marks: Standard and Personalised</i>	19
21	Mechanical Standards: Emissions; MOT & Fitness Tests; Prohibition Notices	19
21.1	Emissions	19
21.2	<i>Liquid Petroleum Gas (LPG) and other Alternative Fuels</i>	20
21.3	<i>MOT & Fitness Tests</i>	20
21.3.1	<i>New Vehicle Applications</i>	20
21.3.2	<i>Renewal Vehicle Applications</i>	21
21.3.3	<i>Prohibition Notices</i>	21
21.3.4	<i>Vehicle Log Book</i>	21
22	Insurance Liability; Unlicensed Drivers	21
23	Damage to Licensed Vehicles; Road Traffic Collisions	22
24	Safety Equipment	23
24.1	<i>Fire Extinguisher</i>	23
24.2	<i>First Aid Kit</i>	23
24.3	<i>Spare wheel</i>	23
24.4	<i>Seat belts</i>	23
24.5	<i>Warning Triangle and Reflective Jackets</i>	24
25	Closed-circuit Television (CCTV) in Licensed Vehicles	24
26	Vehicle Licence Plates	25
27	Sale & Transfer of Licensed Vehicles	25

Part E – Additional Specific Requirements for Hackney Carriage Vehicle Licences

28	Hackney Carriage Taximeters	26
29	Hackney Carriage Distinguishing Features	26
30	Hackney Carriage Vehicle Specification	26
31	Hackney Carriage Advertising	26

Part F – Additional Specific Requirements for Private Hire Vehicle Licences

32	Private Hire Vehicle Distinguishing Features	27
33	Private Hire Vehicle 'Taxi' Meters	27
34	Private Hire Vehicle Exemption under s.75(3) Local Government (Miscellaneous Provisions) Act 1976	28
35	Private Hire Safety Partition Screens	28

Part G – Requirements Relating To Private Hire Vehicle Operators

36	Private Hire Operators' Conduct & co-operation with Authorised Officers and Police	29
37	Private Hire Operators' DBS Criminal Record check, Safeguarding, Child Sexual Abuse and Exploitation (CSAE)	29
38	Private Hire Operators' Duty to conduct Basic DBS Criminal Record checks on booking & dispatch staff	29
39	Private Hire Operators' Record Keeping	30
40	Private Hire Operators' Use of Passenger Carrying Vehicle (PCV)-only Licensed Drivers & Public Service Vehicles (PSVs)	30
41	Sub-contracting by Operators	31

Part H – Miscellaneous Provisions

42	Authorised Officer, Legal Officer, and Member Training	32
43	Enforcement and Complaints	32
44	Licensing Forms	33
45	Fees and Charges	33
46	National Fraud Initiative; General Data Protection Regulations and Data Protection Act 2018	33

APPENDICES

- Appendix A Hackney Carriage and Private Hire Vehicles - National Inspection Standards - Best Practice Guide - August 2012
- Appendix B Conditions relating to the Construction and Licensing of Hackney Carriages in the District of Chichester - December 2012
- Appendix C Hackney Carriage Byelaws
- Appendix D Fees
- Appendix E Convictions Policy
- Appendix F Knowledge Test
- Appendix G Guidelines for Private Hire Vehicle Safety Partition Screens
- 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.³

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').⁴

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.⁵

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.⁶

³ s.46 Town Police Clauses Act 1847

⁴ s.37 Town Police Clauses Act 1847

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

⁶ 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.⁷

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."*⁸

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.⁹

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 requirements¹⁰, 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.¹¹

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.'*¹²

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 Authority¹³. **This is additional to the separate requirements for Private Hire Vehicle and/or Private Hire Driver's Licences.**

The High Court has made it very clear that the physical location where an Operator accepts and processes a booking must be within the area of

⁷ s.46 Local Government (Miscellaneous Provisions) Act 1976

⁸ s.80(1) Local Government (Miscellaneous Provisions) Act 1976

⁹ s.48 Local Government (Miscellaneous Provisions) Act 1976

¹⁰ s.48 and s.80(1) Local Government (Miscellaneous Provisions) Act 1976

¹¹ Pursuant to s.68 Local Government (Miscellaneous Provisions) Act 1976

¹² s.80(1) Local Government (Miscellaneous Provisions) Act 1976

¹³ s.46 Local Government (Miscellaneous Provisions) Act 1976

jurisdiction of the Licensing Authority by which it is Licensed¹⁴: As such, for an Operator to despatch Chichester District Licensed Vehicles with Chichester District Licensed Drivers, **calls must be answered and processed at an address within the Chichester District.**

¹⁴ See: East Staffordshire Borough Council v Rendell

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.

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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:¹⁵

- Be aged twenty-one (21) years or older;
- Be entitled to live and work in the UK; (see section 7)
- Provide an HMRC Tax Check Share Code or, if not previously Licensed during the twelve (12) months immediately prior to Application, confirm in writing that they understand their Tax Responsibilities.¹⁶
- 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 required¹⁷ 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 by obtaining a Right to Work Share Code from HM Government's website.~~¹⁸

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

¹⁵ 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

¹⁶ See Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK (www.gov.uk) and s.125 Finance Act 2021.

¹⁷ Pursuant to the Immigration Act 1971 as amended, and s.37 Immigration Act 2016

¹⁸ See Prove your right to work to an employer - GOV.UK (www.gov.uk)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

returned to this Licensing Authority.¹⁹

¹⁹ 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 Licence²⁰. 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)²¹ 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).²²

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***

It is incumbent on Applicants and Licence holders alike, immediately to notify this Licensing Authority in writing of any pending matters of which they are the subject: These will include, but are not limited to 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, and any other similar 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.

²⁰ Pursuant to s.51 Local Government (Miscellaneous Provisions) Act 1976

²¹ Provided by a translator registered with an official organisation such as the Institute of Linguists or the Institute of Translation & Interpreting

²² 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

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)²³. 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.²⁴

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 duties²⁵. 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.

²³ 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

²⁴ Under the Common Law Police Disclosure powers

²⁵ 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 which is valid for twelve (12) calendar months only: 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.²⁶

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 providers²⁷: 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 or holders of a current Public Service Vehicle Licence issued by DVLA, 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

²⁶ 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

²⁷ Details are available on request, but also published on the Chichester District Council website: <https://www.chichester.gov.uk/privatehiredriverslicence>

discretion of this Licensing Authority, again they may be required to Pass the Driving Standards Assessment (with WAV extension as appropriate): **Should the**

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 Certificate²⁸, 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 Vehicle²⁹.

13.3 *Assistance Dogs*

Unless they are the holder of a current Exemption Certificate³⁰, 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.³¹

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 be from the surgery at which the Applicant is registered and have full access to the Applicant's their 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

²⁸ s.166 Equality Act 2010

²⁹ s.165 Equality Act 2010

³⁰ s.169 Equality Act 2010

³¹ s.168 Equality Act 2010

Declaration by Medical Practitioner: The Doctor carrying out the examination must be from the surgery at which the Licence holder is registered and have full access to their medical records.

The Forms used must be the current versions at the time of the examination: Obsolete Forms will be rejected.³²

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^{33a} 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 checked³⁴: Such checks are made via an approved 3rd 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.³⁵

³² Both Forms are available on application, but also are published on the Chichester District Council website:

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

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

³⁴ Pursuant to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C) and s.51 Local Government (Miscellaneous Provisions) Act 1976

³⁵ Pursuant to s.61(2)(a) Local Government (Miscellaneous Provisions) Act 1976

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'³⁶. [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

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

³⁶ 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

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'.³⁷

³⁷ 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 duties³⁸: 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 status³⁹: 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

'Dual Plating' of vehicles is not permitted: A vehicle Licensed by another Licensing Authority will not be Licensed by Chichester District Council until written proof is provided that the vehicle is no longer Licensed elsewhere. Similarly, a vehicle Licensed by Chichester District Council must not be Licensed by any other Licensing Authority.

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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: similarly, any Licensed vehicle which becomes the subject of an insurance write-off may no longer be Licensed.⁴⁰

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

³⁸ Pursuant to s.73 Local Government (Miscellaneous Provisions) Act 1976

³⁹ 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

⁴⁰ Pursuant to s.47 and s.48(1)(a)(iii) & (iv) Local Government (Miscellaneous Provisions) Act 1976

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 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 10th 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 vehicles⁴¹

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.⁴²

20.2 Seating Capacity - see also Appendix H

Passenger seating capacity of Private Hire Vehicles is limited to 8 in number⁴³: This Licensing Authority applies the same criterion to Hackney Carriages⁴⁴.

⁴¹ 'Wrapping' is the application of an appearance-changing film over the entire vehicle

⁴² 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

⁴³ s.80(1) Local Government (Miscellaneous Provisions) Act 1976

⁴⁴ Pursuant to s.47 Local Government (Miscellaneous Provisions) Act 1976

Seats will not be Licensed where access to them is by tilting or displacing any other seat⁴⁵. 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 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 glass⁴⁶.

For the safety of passengers⁴⁷ 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 for all windows: To meet the criterion of 'minor tinting' all passengers within the vehicle must be clearly visible through all glazing from the outside. Exceptions are only with the express and current written permission of this Licensing Authority.

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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 spacing⁴⁸. 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***

⁴⁵ Pursuant to s. 47 and s.48 Local Government (Miscellaneous Provisions) Act 1976

⁴⁶ The Road Vehicles (Construction and Use) Regulations 1986 as amended

⁴⁷ 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

⁴⁸ The Road Vehicles (Display of Registration Marks) Regulations 2001

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 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 Testing⁴⁹ 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 Westthampnett 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 inspection⁵⁰: 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.

⁴⁹ 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)

⁵⁰ Pursuant to s.68 Local Government (Miscellaneous Provisions) Act 1976

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.

21.3.2 Renewal Vehicle Applications

At the time of submission of a complete and correct Renewal Application for a 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 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 unroadworthiness⁵¹: **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

⁵¹ Pursuant to s. 47 & s.48 Local Government (Miscellaneous Provisions) Act 1976

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, 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.⁵²

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 occurrence⁵³. 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.

⁵² s.53 Local Government (Miscellaneous Provisions) Act 1976

⁵³ Pursuant to s.50(3) Local Government (Miscellaneous Provisions) Act 1976

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 Licensed Vehicles to carry an Approved fire extinguisher⁵⁴ 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. The equipment in this First Aid Kit must be kept in good order, and individual items must not have passed their expiry date.

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

⁵⁴ 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

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 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 vests⁵⁵ 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 front and

⁵⁵ EU standard EN 471 class 2

rear ~~passenger~~ door windows, so as to be clearly visible from both inside and outside, easily read, and is required to show both words and symbols. Also, ~~the Licence Holder(s) must~~, as Data Controller, the Licence Holder must ensure that any information captured is processed and stored in accordance with the General Data Protection Regulations and Data Protection Act 2018.⁵⁶

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 only exception to this requirement is where an exemption has been granted.⁵⁷ 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 fee⁵⁸ the transfer will be processed, and an updated paper Licence issued to the new Proprietor.

⁵⁶ 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>

⁵⁷ s.75(3) Local Government (Miscellaneous Provisions) Act 1976

⁵⁸ 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 Officer⁵⁹.

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. Upon the request of a passenger paying the fare, a written receipt must be provided.

29. Hackney Carriage Distinguishing Features

Hackney Carriages must be readily identified as such, being easily distinguishable from other Licensed Vehicles⁶⁰: 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.

⁵⁹ s.68 Local Government (Miscellaneous Provisions) Act 1976

⁶⁰ 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.⁶¹

Private Hire Vehicles Licensed by this Licensing Authority and used for 'mainstream' Private Hire work⁶² are readily identifiable⁶³ 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

⁶¹ s.48(1)(a)(ii) Local Government (Miscellaneous Provisions) Act 1976

⁶² Not those subject to Exemption under s.75(3) Local Government (Miscellaneous Provisions) Act 1976

⁶³ 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 **received** 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.⁶⁴

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).

⁶⁴ 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 duties⁶⁵. 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.

All Private Hire Operators must provide an HMRC Tax Check Share Code or, if not previously Licensed during the twelve (12) months immediately prior to Application, confirm in writing that they understand their Tax Responsibilities.⁶⁶

This Licensing Authority is required⁶⁷ to ensure that the individuals it Licences are entitled to live and work in the United Kingdom. Therefore, individual Applicants (i.e. not Limited Companies) are required to provide current proof of their entitlement by obtaining a Right to Work Share Code from HM Government's website.⁶⁸

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.⁶⁹

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 status⁷⁰. 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

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⁶⁵ Pursuant to s.55, s.62 and s.73 Local Government (Miscellaneous Provisions) Act 1976

⁶⁶ See Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK (www.gov.uk)

⁶⁷ Pursuant to the Immigration Act 1971 as amended, and s.37 Immigration Act 2016

⁶⁸ See Prove your right to work to an employer - GOV.UK (www.gov.uk)

⁶⁹ Pursuant to s.53A and s.55ZA Local Government (Miscellaneous Provisions) Act 1976

⁷⁰ 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

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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 ⁷¹all 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;
- 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 adult⁷²;
- 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 Operator⁷³. These details must be retained in accordance with their duties and responsibilities as Data Controllers under current Data Protection legislation⁷⁴.

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

- Name of the passenger;

⁷¹ 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

⁷² With reference to the 'Assessment of Previous Convictions' annex to the Statutory Taxi & Private Hire Vehicle Standards' (July 2020)

⁷³ Pursuant to s.56 Local Government (Miscellaneous Provisions) Act 1976

⁷⁴ Details available from the Information Commissioner's Office <https://ico.org.uk>

- 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

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.⁷⁵

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.⁷⁶

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.⁷⁷

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.

⁷⁵ 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

⁷⁶ 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

⁷⁷ 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.⁷⁸

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 provisions⁷⁹: 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

⁷⁸ Forms are available on application, but also are published on the Chichester District Council website: <https://www.chichester.gov.uk/taxilicence>

⁷⁹ s.53(2) and s.70 Local Government (Miscellaneous Provisions) Act 1976