

Taxi Policy revisions - May 2017 and February 2018:

Title – Change to Hackney Carriage and Private Hire Policy as Taxi is associated with Hackney Carriage only.

Contents – Update and include new sections (covered in more detail below).

Appendix List – Put list in order and create a couple new Appendix – CCTV (already used but this will formalise process) and Dual Drivers licence (already used but this will formalise process).

Section 1 – To include national Inspection Standards Best practice.

Section 2 – Changed the time of review of policy from 3 years to 5 years. This is in line with Government and Better Regulation guidance. In addition more practical for Licensing Authority and offers stability for Hackney Carriage and Private Hire Service. There is an option to amend when required.

Section 4 – additional legislation.

Section 6 – Include additional consultees – can consider additional if appropriate.

Section 7.2 - New section called Driving Licence – to include requirement of UK counterpart – DVLA form D9. Will enable Licensing Authority to access driver history through DVLA checks.

Section 7.3 – clarification required on licence accepted.

Section 7.4 – New section on Right to work. This is required to clarify documentation required and stance on if limited leave to remain – this has been an issue on couple of occasions.

Section 7.5 – Original Section removed and reworded within section 7.11 (Driver Assessment and Training).

Section 7.6 – Clarification on any Doctor's surgery offering Group 2 medical assessments can be used, and additional clarification on when Officers request a medical.

Section 7.7 New section on Disclosure and Barring Service (DBS) that replaces CRB section. This could be a cost implication on applicant to sign up to the Update Service subscription – This fee is currently £13 per year.

<https://www.gov.uk/government/publications/dbs-update-service-applicant-guide>

The fees for certificate of good conduct will vary for each country.

Section 7.8 – Clarify application through Sub-Committee.

Remove cautions section as clashes with conviction policy – needed to be removed in interest of 'Public Safety'.

7.9 – Clarification that fixed penalties means driving offences. Also links into convictions policy

7.10 - New paragraph on out of area applicants – This is required to be covered in policy in line with Berwick v Newcastle case law and allows Officers to determine out of area applicants to see if they genuinely intend to operate from South Gloucestershire district.

7.11 - New wording of section. Also recommending Council approved disability awareness training course - Law Commission statement in February 2014 stated that a proposal for change is to recommend disability awareness training for all drivers.

Reference also to previously agreed mandatory attendance at child sexual exploitation (CSE) safeguarding awareness training sessions.

7.12 – Removing the requirement of local knowledge test for Private Hire Driver Licence applicants and replacing with law and basic skills questions. This is in line with 2010 DfT guidance and the Law Commission recent statement which states quality from PHD can be obtained through national driver training.

Also clarification on Dual Knowledge Test requirements and recommended that taken prior to application received.

7.13 – Clarity on 3 year licence options.

Also clarification on expectation of driver to renew and book appointment and reminder to inform of changes of address.

7.14 – To include Dual Hackney Carriage and Private Hire Driver Licences which is missed from current policy.

7.15 – Insert a clause if concerns about dress code advice to be offered and possible referred to Sub-Committee.

7.18 – Clarification on repercussions if caught smoking in vehicle.

7.19 – Reference to CCTV systems in licensed vehicles.

7.20 – New section inserted on enforcement action in line with section already present in vehicles.

7.21 - Changed the time of review of policy from 3 years to 5 years. This is in line with Government guidance. In addition more practical for Licensing

Authority and offers stability for Hackney Carriage and Private Hire Service. There is an option to amend when required.

8.2 – Clarification on process for new and currently licensed vehicles.

Also full details for Hackney Carriage and Private Hire Service on details of departing of how to submit a request to depart from Policy etc.

8.3 – Comprehensive details on how Licensing Authority deal with an application for classic vehicles.

Information included to clarify to the Hackney Carriage and Private Hire Service.

8.4 – Advice to contact Licensing Authority for more details as each case is to be considered on own merits in line with complex DfT guidance.

8.5 – Clarification on process for special event vehicles.

Also full details for Hackney Carriage and Private Hire Service on licensing requirements to consider an application.

8.6 – New section incorporating other “vehicles”.

This is included to align with best practice to consider all types of new vehicles.

8.7 – Section updated to state only exemptions to licensing requirements - wedding/funerals.

8.8 - New paragraph on out of area applicants – This is required to be covered in policy in line with Berwick v Newcastle case law and allows Officers to determine out of area applicants to see if they genuinely intend to operate from South Gloucestershire district.

8.9 – Updated to include fitness test and meter calibration as part of application process

8.10 – Updated to clarify ramifications of not supplying a new copy of insurance / cover note once old one expired. This offers clarity for Hackney Carriage and Private Hire Service.

8.11 Removed requirements for section 50 tests as now intelligence-led compliance checks.

8.12 – Clarification on plate exemption procedure and process offering clarity to the Hackney Carriage and Private Hire Service.

8.13 – New paragraph to formalise CCTV protocol with a code of practice approved by CCTV Officer, and already used for CCTV systems previously

installed in a selection of licensed vehicles primarily working in the night time economy.

8.15 – Minor amendment to wording to provide clarity for Hackney Carriage and Private Hire Service.

8.16 – Minor amendment to wording to provide clarity for Hackney Carriage and Private Hire Service.

8.17 - Minor amendment to wording to provide clarity for Hackney Carriage and Private Hire Service.

8.18 - Minor amendment to wording in line with rest of policy (working days).

8.19 – New paragraph regarding smoking in vehicle and ramifications. This will offer clarity for Hackney Carriage and Private Hire Service.

8.20 – Proposed new wording in line with current Licensing Authority procedure.

9.1 – Clarification for Hackney Carriage and Private Hire Service on requirements of new vehicles to be measured.

9.2 – Proposed new wording to clarify requirements.

Old 9.3 – Emissions – proposed to remove as the Licensing Service have no experience in this and are guided on the MOT system and if a vehicle passes the test.

New 9.3 – Options proposed to increase provision of wheelchair accessible vehicles for Hackney Carriage vehicles only (best practice refers to vehicles stopping on street). Please note - Law Commission statement in February 2014 stated a proposal for Ministers to set standards for promoting accessibility.

10.1 – Re-worded to incorporate the intelligence-led work this Licensing Authority do and explanation on when vehicle fitness tests are required.

Offers more guidance to Hackney Carriage and Private Hire Service on Licensing Authority procedure.

10.2 – Proposal to bring in-line with best practice and change Private Hire vehicles to require MOT after 3 years and not after first year as current requirement.

11.1 – Minor wording change for clarification.

11.2 – Proposed change of proposal that Operator provides a basic disclosure unless already a driver then no background check required.

In-line with the main public safety objective.

11.5 Minor amendment to wording and to include Employers Liability insurance.

11.6 – Best practice states that Licensing Authority should offer 5 year Private Hire Operator licences

11.8 – New paragraph offering advice on planning permission requirements from operating business from home.

Information provided by Planning Department.

12.10 – Change of Council address details.

14.3 - Changed the time of review of policy from 3 years to 5 years. This is in line with Government guidance. In addition more practical for Licensing Authority and offers stability for Hackney Carriage and Private Hire Service. There is an option to amend when required.

15 – Data Protection principles statement

Appendices – Moved appendix sections around in order with policy layout.

Changes within the Appendices:

Appendix A –

New paragraph 2 – to incorporate existing drivers also.

Paragraph 3 – Minor wording amendments.

Paragraph 5 – Minor amendment to put into layman's terms.

Paragraph 10 – To update to DBS.

Paragraph 13 – To update to DBS.

Paragraph 14 – Minor wording amendments.

Paragraph 19 – Minor wording amendments.

Paragraph 22.4 – Service view that 2 years free of conviction for 2 counts of without due care and attention and causing death by dangerous driving is not proportionate so changed to 1 conviction. Also if 2 convictions would normally merit refusal.

Paragraph 22.5 – Include 2 convictions would normally merit refusal.

Paragraph 22.1 – Better terminology.

Paragraph 23.1 - Include 2 convictions would normally merit refusal.

Paragraph 23.3 – Better terminology.

Paragraph 26.1 – Better terminology.

Appendix B

- New guidance to be offered for Dual Knowledge Test and Private Hire Basic Skills.

Appendix D

- Numbering of conditions.
- Replaced 7 days with 5 working days (in line with rest of policy).

- Additional conditions added – fits in with policy.

Appendix E

- New appendix.
- Additional conditions added – fits in with policy.

Appendix F

- Inserted reference to Dual Drivers condition.
- New points for smoking.
- Amended PHO records to mirror conditions.

Appendix G

- Numbering of conditions.
- Headings inserted.
- Replaced 7 days with 5 working days (in line with rest of policy).
- Amended and additional conditions – fits in with policy and legal requirements.

Appendix H

- Numbering of conditions.
- Headings inserted.
- Replaced 7 days with 5 working days (in line with rest of policy).
- Amended and additional conditions – fits in with policy and legal requirements.

Appendix I

- New Appendix for CCTV code of practice.

Appendix J

- Minor re-wording

Appendix K

- Reworking of what is acceptable.
- Most advertising accepted providing pre-approval that it does not impact on public safety.

Appendix M

- Amendment to wording to make it easier for Officer's conducting visits.

Appendix N

- Make Policy (not pilot).

Appendix O

- Numbering of conditions.
- Headings inserted.
- Replaced 7 days with 5 working days (in line with rest of policy).
- Amended and Additional conditions – fits in with policy and legal requirements.

Appendix P

- New appendix.
- Confirmation of the current agreed methodology for calculating any potential increases or decreases in Hackney Carriage fares.

Appendix Q

- Change of address details for TS UK and removal of Taxi Meter Services due to death of owner.

Appendix R

- As Licensing Fees & Charges have been approved for 2017-18, all reference to these will be by a dedicated licensing webpage link where updates will be made.