



LICENSING COMMITTEE

Wednesday, 4th March, 2015

7.30 pm

Town Hall, Watford

Publication date: 24 February 2015

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss/Alan Garside in Democracy and Governance on 01923 278376 or by email to legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

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COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor P Jeffree (Vice-Chair)

Councillors I Brown, J Connal, K Crout, G Derbyshire, K Hastrick, M Hofman, A Khan, H Lynch, B Mauthoor, M Mills, G Saffery, D Scudder and S Williams

AGENDA

PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

The minutes of the meeting held on 12 January 2015 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(All minutes are available on the Council's [website](#).)

4. **FOOD SAFETY LAW ENFORCEMENT SERVICE PLAN 2015-17** (Pages 1 - 24)
Report of the Head of Community and Customer Services
5. **REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS** (Pages 25 - 66)
Report of the Head of Community and Customer Services

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Agenda Item 4

Food Safety Law Enforcement Service Plan 2015-17

*PART A

Report to: Licensing Committee
Date of meeting: 4th March 2015
Report of: Head of Community and Customer Services
Title: Food Safety Law Enforcement Service Plan 2015-17

1.0 SUMMARY

- 1.1 This report and attachment contains the details of the Food Safety Law Enforcement Plan 2015-17 as required by the Food Standards Agency (FSA), a government body, to demonstrate the authorities' arrangements for food safety enforcement which address local needs and national priorities.
- 1.2 This plan requires formal approval by the members.

2.0 RECOMMENDATIONS

- 2.1 That the Committee recommends the Food Safety Law Enforcement Plan to Council for approval, subject to any amendments suggested by the Committee.

Contact Officer:

For further information on this report please contact:
Richard Brown, Environmental Health Manager (Commercial);
telephone extension: 8440 email: richard.brown@watford.gov.uk

Report approved by: Alan Gough, Head of Community and Customer Services.

3.0 DETAILED PROPOSAL

- 3.1 The Food Standards Agency Framework Agreement, in addition to requiring local authorities to have policies and procedures relating to food enforcement, requires that a Food Safety Law Enforcement Service Plan is produced and submitted to members for approval.
- 3.2 This Service Plan forms the basis on which local authorities will be monitored and audited by the FSA to ensure consistency and effectiveness. It also allows local authorities to plan and resource their food safety enforcement work.
- 3.3 The Service Plan attached follows the format and guidance laid out in the Framework Agreement. This is to enable the FSA to easily assess our delivery of the service and to allow comparison of Plans between local authorities for benchmarking purposes.

3.4 The Service Plan covers the following areas of work:

- Proactive inspections of food premises
- Dealing with complaints about food premises or about food that has been bought or eaten
- The Primary Authority scheme
- Giving food-related advice to businesses
- Food sampling
- Investigation of food-related outbreaks and cases of infectious disease
- Dealing with food alerts and incidents
- Liaison with other organisations
- Food safety promotional work
- Issuing health certificates

3.5 There have been several high profile food poisoning outbreaks nationally in recent years, so food safety enforcement work is important in ensuring that the food that the public are eating or buying in Watford is safe.

In addition, good standards of food safety will be reflected in better Food Hygiene Ratings, which are visible to the public. Having better Ratings will make Watford food businesses more attractive to visitors and more likely to be successful.

3.6 The service plan demonstrates the variety of work that is undertaken within the section alongside other health and safety, housing enforcement, environmental protection, licensing, animal control, envirocrime and public health work.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Shared Director of Finance advised that other than confirming the budget for this area of work, they had no comments on the service plan or the report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that as this document is part of the Council's policy framework it is required to be approved by full Council

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
<i>Insufficient resources to deliver food enforcement work, leading to poorer standard in businesses, lower ratings and more cases of infectious disease. Associated poor publicity and increased scrutiny from the Food Standards Agency</i>	2	3	6

<i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i>			
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Appendices

- The Food Law Enforcement Service Plan 2015-17

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

- Food Standards Agency Framework Agreement, September 2000 (as amended)
- Regulators Compliance Code
- Environmental Health and Licensing Section enforcement policy 2014-2019
- Food Safety Act 1990 Code of Practice and Practice Guidance

File Reference

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WATFORD BOROUGH COUNCIL

FOOD LAW ENFORCEMENT SERVICE PLAN

2015-2017

Introduction

This Food Law Enforcement Service Plan is dedicated to the food law enforcement functions carried out by the Environmental Health and Licensing Section of Community and Customer Services under the provisions of the Food Safety Act 1990 and relevant European Food Hygiene legislation.

It relates to the years 2015-2016 and 2016-2017 and is an expression of the Council's commitment to the continued support and development of the food service and is required by the Food Standards Agency (FSA), the body that monitors and audits local authorities' activities on food law enforcement.

The FSA's Framework Agreement promotes the importance of service planning to ensure that national priorities and standards are addressed and delivered locally.

Our Service Plan has been drawn up in accordance with the guidance in the Framework Agreement and follows a service plan template. This is to enable the FSA to assess our delivery of the service and to allow local authorities to easily compare service plans.

The Framework Agreement requires Service Plans to be approved at the relevant level established for that local authority, to help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan. In Watford the Service Plan is recommended by the Licensing Committee for approval at Full Council.

Key achievements in recent years:

1. Migration to the national Food Hygiene Rating Scheme (section 3.1)
2. A project to improve food hygiene in butcher's shops (section 3.1)
3. A project to review all childminder activity (section 3.1)
4. Implementation of Food Standards Agency's E.Coli Guidance (section 3.1)
5. Adoption of an optional advisory visit for new businesses (section 3.4)
6. New procedures set up with Public Health England to allow secure notification of infectious disease cases electronically (section 3.6)
7. Continued positive feedback for the in-house Food Hygiene training course and the passing of a related Chartered Institute of Environmental Health audit (section 3.9)
8. Amended procedures to reflect the introduction of Food Safety and Hygiene (England) Regulations 2013 (section 5.1)
9. Review of all notice templates to ensure consistency with the Food Standards Agency's model ones (section 5.1)

10. Tailored food inspection forms pre-loaded with inspection data from the food premises database (section 5.1)
11. As part of internal quality assurance protocols, a schedule of accompanied inspections designed to monitor competency and ensure consistency (section 5.1)
12. Improved procedures designed to make food registration / first inspection more efficient (section 5.1)

Key challenges for the next two years

In addition to normal planned service delivery there are a number of key issues for the service to take forward over the next two years:

1. Changes to the Food Standards Agency's Code of Practice

The FSA is proposing changes to the competency and qualification requirements for officers undertaking food enforcement work. Whilst we already have a robust system in place for ensuring that officers are competent, the proposed changes may require a more detailed assessment of officers' skills. There are also proposed changes to the way in which mobile food businesses are registered and inspected, designed to promote the exchange of information between inspecting authorities and reduce the inspection burden on businesses. The changes may lead to an increased administration burden on local authorities.

2. The Food Information Regulations

In December 2014, the labelling requirements that were already in place for pre-packed food were extended to non-prepacked and loose foods. This meant that food businesses must ensure that they are aware whether any food that they make or sell contains any of a prescribed list of allergens (such as nuts, dairy and eggs). Businesses must also ensure that this information is readily available to customers. In Watford we are advising businesses of the change in the legislation during routine food hygiene inspections, and advising them where they can access resources to help them implement the changes.

3. Food Hygiene Rating Scheme Inter Authority Auditing

In 2015-2016 the food service will be participating in a Hertfordshire and Bedfordshire wide 'Inter Authority Audit' on the national Food Hygiene Rating Scheme. The purpose of this is to check consistency and ensure that we are administering the scheme correctly.

1. Service Aims and Objectives

1.1 Vision -

The Vision of the Environmental Health and Licensing Section is:

"To improve the health, quality, safety and economic prosperity of our town through a high performing efficient team delivering excellent outcome and customer focussed services."

Every year each council service produces a Service Plan that sets out priority projects for the year, The Food Law Enforcement Service Plan is listed in 2014-15 corporate plan.

1.2 Links to corporate objectives and plans -

The service contributes to the following objectives laid out in the 2014-18 Corporate Plan:

1. Making Watford a better place to live
2. To provide the strategic lead for Watford's sustainable economic growth
3. Promoting an active, cohesive & well informed town
4. Operating the council efficiently and effectively

2. Background

2.1 Profile of the Local Authority

Watford is a major town, situated in the South West of Hertfordshire. It has developed into a sub-regional shopping centre and an important centre for cultural and recreational facilities. It now boasts a number of nationally known firms locating their headquarters in the town.

The population estimate for Watford provided by the 2011 Census was 90,300. This is a 13% increase in population since the 2001 census when the population was 79,726.

On 26th June 2014, the Office of National Statistics released the mid-2013 estimates, suggesting Watford's population on the 30th June 2013 was 93,700.

The White British population in Watford decreased between 2001 to 2011 and is now 62% of the Watford population. All ethnic categories except for White British and White Irish have increased in this period, with notable percentage increases in White Other, Indian, Pakistani and Black African.

2.2 Organisational Structure

The food service is within the Environmental Health and Licensing Section of Community and Customer Services.

Overall co-ordination of the Council's food enforcement is the responsibility of the Environmental Health and Licensing Section Head who reports to the Head of Community and Customer Services.

The Environmental Health Manager with the portfolio for food and infectious disease has been nominated as the Lead Officer with responsibility for food hygiene and safety.

Formal microbiological analysis of food samples and faecal samples is carried out by Public Health England.

Physical and chemical analysis of food is carried out by Kent Scientific Services, who have been nominated as our Food Examiner by Hertfordshire County Council Trading Standards Department.

2.3 Scope of the Food Service

The food service covers the following specific areas: -

- Food safety and hygiene enforcement.
- Infectious disease investigations.

The food service is provided by two generic Environmental Health teams, who also deal with housing, health and safety, environmental protection and public health.

Use of Contractors

Outside contractors are used to carry out programmed food hygiene inspections, subject to the following conditions: -

- There is a backlog of inspections, which can not be completed by the existing officers, due to sickness, vacancies or other unforeseen pressures on the service.
- The external contractor meets the requirements of The Food Safety Act 1990 Code of Practice.
- The contractor is also subject to the monitoring and auditing regime for inspections and proves satisfactory competence.
- The contractor's programmed inspections are concentrated on lower risk inspections, Category C and below.
- The cost of the work is met within existing budgets.

In recent years, the number of inspections carried out by contractors has been as follows:

2011/12	79
2012/13	114
2013/14	71
2014/15	35 (estimate)

2.4 Demands on the Food Service

As of 31st March 2014, there were 819 food premises registered with the Authority, broken down as follows:

Primary Producers	1
Manufacturers and Packers	13
Distributors / Transporters	10
Retailers, such as supermarkets and delicatessens	203
Caterers, such as restaurants and takeaways	592

The number of food businesses has increased in recent years due to legislation requiring childminders to register, and also the popularity of home caterers such as cake makers.

Approved Premises

Some premises that manufacture food, typically using meat, fish or dairy products need specific approval to undertake such activities and must to have detailed procedures in place. On 31st January 2015 there were two such approved premises in the borough, a sausage manufacturer and a cheese manufacturer.

Access to the Food Service

The food service is located at Wiggshall Depot, Wiggshall Road, Watford. The Environmental Health Section's Duty Environmental Health Officer is situated in the Customer Service Centre at the Town Hall and remains the first point of contact for food safety matters. Customers of our service can contact us by the following means: -

- In person, at the Customer Service Centre from 845am to 515pm (445 on Fridays).
- By telephone to the Customer Service Centre: 01923 226400 or 01923 278503.
- By fax: 01923 278627
- By e-mail: envhealth@watford.gov.uk.
- Through the Council's website: www.watford.gov.uk
- For emergencies, i.e. a food poisoning outbreak or notification of a Serious Food Incident, the Out of Hours Service on 01923 226400.

2.5 Regulation Policy

The 2014-2019 Enforcement Policy covering all aspects of Environmental Health & Licensing enforcement activity received Member approval in July 2014 at the Licensing Committee.

The Food Law Enforcement aspect of this policy takes account of the Food Standards Agency's Code of Practice and the Regulators' Code issued under the Regulatory and Effective Sanctions Act 2008.

The key points are that:

- all enforcement decisions will be fair, independent and objective.
- they will not be influenced by age, ethnicity, national origin, gender, religious or political belief, disabilities or sexual orientation.
- due regard will be taken when dealing with juveniles or other vulnerable people.
- decisions will not be affected by improper or undue pressure from any source, including councillors.

As part of our work under the Better Business For All agenda we have also adopted a county-wide Regulator's Charter. This is shown in Appendix B.

3. Service Delivery

3.1 Interventions at Food and Feedingstuffs establishments

Risk Based Inspection Programme

Food Businesses are risk rated from A (high risk) through to E (low risk) according to the type of the operation being carried out, who the business supplies, and the standard of food hygiene at the premises. Businesses that carry out a complicated operation, or supply a large number of people (or people in vulnerable groups such as young children

or the elderly) or have poor standards of hygiene, are likely to fall in one of the higher risk categories. Smaller, simple operations, and those where hygiene standards are good, are likely to fall in one of the lower risk categories.

Examples of premises in these categories, with the recommended inspection frequencies laid down in the Food Standards Agency's Code of Practice are:

- A A poorly run restaurant or takeaway
- B A residential care home
- C A well run restaurant
- D A public house that doesn't serve food
- E A well run off newsagent selling only pre-packed drinks, crisps and sweets

On 31st March 2014, the 819 registered food businesses were risk rated as follows:

A	B	C	D	E	Unrated
1	26	346	125	236	85

There is always a number of unrated businesses (those that are newly set up) and their inspection is prioritised on the basis of the risks their activity presents. This year we have introduced a target of 28 days from registration to inspection to reduce the number of unrated businesses. Typically these businesses are childminders and home bakers.

The Food Standards Agency's Code of Practice specifies the frequency that businesses should be proactively inspected as follows:

Premises Category	Inspection Frequency
A	Every 6 months
B	Every year
C	Every 18 months
D	Every 2 years
E	Using an Alternative Enforcement Strategy

It is the Council's policy to ensure that food premises inspections are concentrated on high-risk premises and that they are carried out in accordance with the Food Standards Agency's Code of Practice and Practice Guidance.

For some businesses that are consistently well run and compliant with the law, lighter touch 'verification' inspections can be alternated with full inspections.

Also for low risk food businesses such as newsagents, some other small retailers, and some home caterers, local authorities can assess compliance with food hygiene legislation by means other than inspection. Accordingly over the next two years we will be rolling out an 'Alternative Enforcement Strategy' for these businesses. This will involve some degree of self assessment as well as some validation inspections.

Based on the current premises profile it is estimated that the number of full and verification inspections that will be carried out in each of the next two years will be:

Premises Category	Number of Full Inspections	Number of Verification Inspections
A	6	0
B	45	0
C	125	85

D	33	33
E	10*	0
NEW	90	0
Total	309	118

**as part of the alternative enforcement strategy*

Food Standards Agency E.Coli Guidance

Following a number of recent food poisoning outbreaks the Food Standards Agency has issued guidance on how businesses can control E.Coli by avoiding cross-contamination between raw and ready to eat foods, and effective cleaning. We have made sure that this guidance is integral to the food inspections that we carry out.

Butchers' Shops

On 31st March 2014 there were 15 specialist butcher shops in the Borough in addition to those operating within the larger supermarkets. Most of these are halal butchery counters operating within small retail units. In 2014, following the introduction of the Food Standard Agency's E.Coli guidance we decided to look closely at these operations to try and improve hygiene standards, focussing on:

1. The elimination of cross contamination between raw and ready to eat food
2. Written Food Safety Management Systems
3. Traceability
4. Training
5. Disposal of Animal By-Product waste

Bespoke inspections and individual coaching have been undertaken at all of these businesses. These will finish in 2015 after which the project will be evaluated.

Childminders

In 2014 childminders no longer had to register directly with local authorities as food businesses. Instead their OFSTED registration with a county council was deemed to be sufficient. Liaison with Hertfordshire County Council identified a number of childminders that we were unaware of and we have been working with these businesses to establish the scope of their operation and to ensure that the food they are serving to children is safe. This has involved sending out questionnaires to 125 childminders, 46 of which we knew about and 79 of which we didn't. At the time of writing we had received over 100 responses and are working with any business to improve food hygiene standards if there are any concerns. This project will conclude in 2015, after which time we will assess new childminders as they become registered with OFSTED.

Enforcement approach

There are a number of enforcement options available to local authorities, ranging from advice and written warning through to closing premises down using prohibition powers and taking prosecution proceedings. Based on historical information it is anticipated that the following enforcement action will be taken in each of the next two years:

Writing Warnings	170
Improvement Notices	12
Voluntary Closures or Prohibition Procedures	2

Seizure and Detention of Food	2
Revisits following inspection	90

The food service has also recently developed a revisit policy to aid consistency.

Food Hygiene Rating Scheme

In 2006, the council was involved in the setting up of a regional 'Scores on the Doors' scheme, whereby consumers could check the hygiene of a business before choosing where to eat or buy their food.

We migrated to the national Food Hygiene Rating Scheme on 1st April 2012. Now businesses are awarded a rating from 5 (very good) to zero (urgent improvement necessary) after a food inspection. The ratings of businesses in Watford can be seen at:

<http://ratings.food.gov.uk/authority-search/watford>

The national scheme allows businesses to appeal against the rating they have been given, as well as request a re-rating visit once they have completed any work that may be needed following an inspection.

It is anticipated that 12 appeals or requests for re-ratings will be handled each year although this may go up as the familiarity of the scheme grows.

As at 15th January 2015, 574 of the 819 food businesses registered with the council fell within the scheme with ratings as follows:

5	Very Good	314
4	Good	127
3	Generally Satisfactory	53
2	Improvement Required	28
1	Major Improvement Required	47
0	Urgent Improvement Required	5

Whenever a business receives a rating of zero we work closely with them to ensure that there are no health risks associated with its operation.

Currently the display of rating stickers awarded following a food inspection is not legally required although there is national pressure for this to change and the food service supports this view.

In 2015-16, the council will participate in a regional inter-authority auditing exercise, designed to improve consistency when awarding Food Hygiene Ratings.

Year	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
No. of inspections	438	447	420	437	427
FTE needed	-	-	-	1.60	1.60

3.2 Feed and Food Complaints

The Environmental Health and Licensing Section deals with the following types of food complaint:

- Foreign body, unfit or mouldy food that has been bought or eaten
- Complaints about the hygiene of food businesses, such as food handling practices, refuse, drainage, etc.

We prioritise foreign body, unfit and mouldy food complaints that pose a risk to public health rather than purely a quality issue.

We prioritise complaints about food businesses that pose a high risk to public health rather than those that present a low risk.

Complaints about the quality rather than the safety of food are dealt with by Hertfordshire County Council's Trading Standards Section, with whom we liaise on a regular basis.

Year	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
Food complaints	15	17	13	15	15
Premises complaints	62	68	108	79	79
FTE needed	-	-	-	0.15	0.15

3.3 Primary Authority Scheme

The council has been the Primary Authority for TJX Europe (who trade as T K Maxx and Homesense in the UK) since December 2009. The Primary Authority Agreement covers food hygiene and health and safety.

The council feels that the Agreement with TJX Europe has been positive and beneficial for both parties and we would welcome the opportunity to enter into more agreements.

The resources needed to deliver the Primary Authority Agreement are paid for by the company on a cost recovery basis and do not impact on the service's ability to deliver the rest of its food enforcement work.

3.4 Advice to Businesses

In addition to carrying out enforcement, the service is committed to working with businesses to help them be successful, comply with the law and to encourage the use of good practice.

On an operational basis, this is achieved through a range of mechanisms:

- Giving advice during the course of inspections and other visits
- Directing businesses to other sources of information such as the Food Standards Agency website
- Provision of 'Safer Food, Better Business' packs in a variety of languages to help small businesses with their Food Safety Management Systems
- Responding to business requests for advice and assistance
- Providing detailed food safety advice to new businesses as part of the registration procedure, as well as an optional visit
- Running small projects to assist particular types of business, such as the butchers project running in 2014 and 2015

In addition, acting as the strategic lead for Watford's sustainable economic growth, the service has also:

- Played a key role in developing the 'Better Business For All' forum, a local partnership between Businesses and Regulatory Services to promote growth through improved regulation. This has been done in partnership with all the other local authorities in Hertfordshire, national as well as local regulators and various business organisations such as the Federation of Small Business, Local Economic Partnership and Chambers of Commerce. The Food Standards Agency and the Better Regulation Delivery Office have both been involved in this initiative
- Played a key role in the development and implementation of 'Hertfordshire Charter' for all Regulatory Partners
- Put together a Hertfordshire wide course on Commercial Awareness Training for Regulatory Officers and made sure all our officer attended one of the courses
- As mentioned in section 2.5, we have adopted the statutory Regulators' Code issued under the Regulatory and Effective Sanctions Act 2008.
- Reviewed our enforcement policy for the years 2014 – 2019.

	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
No. requests for advice	205	260	280	248	248
No. advisory visits	-	-	60	60	60
FTE needed			0.15	0.15	0.15

3.5 Feed and Food Sampling

The sampling budget for 2014/15 consists of two parts:

1. Funding allocation from Public Health England for approximately 130 microbiological samples. These samples are sent to their laboratory in Colindale.
2. A departmental allocation of £1750 to allow for more complex physical and chemical sample analysis. These samples are sent to our designated Food Examiner, Kent Scientific Services.

In 2013 we purchased a handheld 'ATP' unit that allows us to monitor the effectiveness of cleaning in food premises, giving an instant result within the premises which we can share with the business.

In recent years we have looked at the microbiological quality of the following:

- Pasteurised and unpasteurised cheese
- Pre-packed salad
- Sandwiches from residential care homes
- Food from takeaways from businesses with a Food Hygiene Rating of 3 or less
- Wooden serving platters
- Products made by our Approved Premises

We will target our food sampling on the following criteria:

- Approved Premises within the Borough
- Businesses with a risk rating of A or B
- Businesses identified for sampling as part of a national, regional or local programmes
- Sampling initiatives co-ordinated by Public Health England

- Local intelligence

We will also use the 'ATP' monitor as a tool to educate Food Business Operators about cleaning and cross-contamination.

Finally, we will implement the Food Standards Agency's sampling database, allowing us to share sampling information with them and other food authorities.

	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
No. samples	8	19	25	40	40
FTE needed	-	-	-	0.03	0.03

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Food Service will investigate notifications of food related infectious disease in accordance with the East of England Standard's Approach to Investigating Gastrointestinal Disease cases. This prioritises possible diseases into High, Medium and Low categories for investigation, for example:

High: E.Coli O157, Typhoid, Botulism
Medium: Salmonella, Listeria
Low: Campylobacter, suspected food poisoning

It also takes account of risk groups such as children under 6 months old, those over 65, these who are unwell, and those working in the food industry.

Investigations will be carried out in partnership with Public Health England.

Investigations of outbreaks will be undertaken in accordance with Public Health England's Communicable Disease Outbreak Management Guide. In the event that there is a major outbreak, the staff resources will be significantly increased due to the intense resource implications. Informal mutual aid agreements are in place with neighbouring councils to support any resource needs in these emergency cases.

	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
No. notifications	23	40	25	30	30
FTE	-	-	-	0.10	0.10

3.7 Feed/Food Safety Alerts

Food Alerts, Allergy Alerts and Product Recall notifications are sent to local authorities when there are serious public health implications concerning a type of food. Recent examples include the substitution of beef for horsemeat and the chemical contamination of baby milk powder. They are split into Action and Information Alerts. Action Alerts can require Local Authorities to issue a press release or visit food outlets to ensure that certain foods are not sold to the general public.

All Alerts are sent to the generic environmental health email inbox which is monitored daily. Action Alerts are also sent to the office pager during office hours, and out of hours the Out of Hours pager is used.

Alerts are dealt with in accordance with the Food Standards Agency Code of Practice

and the action required by the alert itself.					
	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
No. of alerts	60	90	90	80	80
FTE needed	-	-	-	0.06	0.06

3.8 Liaison with Other Organisations

Officers from the Food Service currently attend the following forums: -

- Heads of Service Food Liaison Group
- Public Health England Liaison Committee
- Herts & Beds Sampling Group
- Hertfordshire Regulators Forum (Chair)
- Better Business For All Steering Group

Officers have been regular contributors to the Food Liaison Group, with the council's Lead Officer for Food participating in various working groups in recent years and also holding the post of secretary for 4 of the last 6 years. This role has also meant regularly attending the Food Standards Agency's Regional Update meeting for liaison group Chairs and Secretaries.

Officers have an effective working relationship with Hertfordshire County Council's Trading Standards team, and have liaised regularly with the Better Regulation Delivery Office as part of the Better Business for All initiative outlined in section 3.4. Shadowing between Environmental Health and Trading Standards Officers is planned for 2015-16 to improve our working knowledge of priority areas and to improve signposting and advice to businesses.

	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
FTE needed	-	-	-	0.05	0.05

3.9 Feed and Food Safety and Standards promotional work, and other non-official controls interventions

Promotional work carried out by the service includes:

- Informal food hygiene talks to a variety of audiences such as hospitals and schools
- Regular informative press releases
- Giving advice during the course of inspections and other visits
- Provision of 'Safer Food, Better Business' packs in a variety of languages to help small businesses with their Food Safety Management Systems
- Providing detailed food safety advice to new businesses as part of the registration procedure
- Running small projects to assist particular types of business, such as the Butchers Project running in 2014 and 2015
- Targeted food safety information and advice to particular business sectors

Food Hygiene Course Training

The service is registered with the Chartered Institute of Environmental Health as a

Training Centre for food hygiene courses.

Currently, the Level 2 Food Hygiene in Catering course is delivered in house by an officer who is an accredited food hygiene trainer. Administration of the course is undertaken by a member of the service's Support Team. Needs of the diverse community are served by course books and exam papers being provided in languages other than English and exams being taken orally when required.

At least 6 courses are scheduled each year, holding a maximum of 20 candidates each.

We also accommodate additional course requests, for example where a business would like to train a number of their staff at their own premises, where possible.

Each training course is assessed using an evaluation sheet completed by candidates at the end of the course.

The delivery of the course was audited by the Chartered Institute of Environmental Health in November 2011 and we were awarded a score 84%. We devised an Action Plan to take forward the few issues that were identified and the audit was fully signed off in 2012. We continue to review the way the course is run.

	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
FTE needed	-	-	-	0.19	0.19

3.10 Issuing Health Certificates for Export

When businesses want to export food they may need the product to be accompanied by an appropriate 'Health Certificate' declaring that the food has been produced and or stored hygienically. A fee is charged for these certificates, which are issued by local authorities.

In Watford we issue about 200 Health Certificates every year. The vast majority of these are for two Watford companies, one that manufactures coffee and tea, the other that exports soft drinks, sweets and other dry goods..

	2012-2013	2013-2014	2014-15 estimate	2015-16 estimate	2016-17 estimate
FTE needed	-	-	-	0.02	0.02

4. Resources

4.1 Financial Allocation

The 2015/16 budget associated with delivering the food law enforcement plan is as follows:

Non fixed costs*	£259,620
Equipment	£1,500
Sampling	£1,750
Delivery of food hygiene training course	£500
Additional food inspections by contractors if needed	£4,250

**officer salaries, building overheads, transport costs, charges for corporate services such as IT, Human Resources, Finance and Legal Services*

Where legal action becomes necessary, and we need to instruct Counsel then the financial costs will not act as a barrier to any necessary action.

In addition the following income is expected:

Food Hygiene Training Courses	£4,000
Issuing of Health Certificates	£4,000

It is not anticipated that the budget allocation for food enforcement work will change significantly over the next two years.

4.2 Staffing Allocation

Food law enforcement work is carried out by generic Officers undertaking the full range of environmental health functions. Support Officers also work across all environmental health areas.

In 2014/15 a Full Time Equivalent (FTE) of 1.95 was allocated for professional food law enforcement work. An FTE of 0.28 was allocated for administrative food law enforcement work. Staffing resources for the activities listed in section 3 above are shown in Appendix A.

The projected shortfall in estimated FTE required may be made up by external contractors if needed, a budget exists to enable this if needed.

4.3 Staff Development Plan

The Service will ensure that authorised officers undertaking food work are appropriately qualified and receive regular food related training to enable them to carry out effective food hygiene inspections and enforcement.

We will also make sure that they receive a minimum of 10 hours training in line with the Food Standards Agency's Code of Practice and the principles of Continued Professional Development (CPD) scheme administered by the Chartered Institute of Environmental Health. Training needs will be identified in one-to-one meetings with officers and through the annual appraisal process. We will also use the Department of Business Innovation and Skills Regulators Development Needs Analysis Tool help is identify training needs.

As mentioned earlier, there may be changes to the competency and qualification requirements for officers undertaking food enforcement work. We will have regard to any changes that are introduced to make sure that we comply with the Code of Practice.

Training may take the form of in-house training, formal courses or vocational visits, and recent training undertaken by officers includes

- 'Sous Vide' cooking
- Consistency exercises
- Dealing with imported food
- E. Coli guidance and control
- Food allergens and labelling

Details of staff having a direct role in food enforcement, as well as competency levels are shown in Appendix A.

5. Quality Assessment

5.1 Quality Assessment and internal monitoring

The service has established the following monitoring arrangements to assess the quality of the service provided: -

- Documented sign-off procedure for new staff undertaking food duties
- Regular review of inspection, case and infectious disease paperwork
- A schedule of accompanied inspections involving by the Lead Officer for Food

In recent years we have worked with our database provider (IDOX) to produce a number of reports that allow us to check the integrity of the Food Premises database and compliance with the proactive inspection plan. Reports are also run to check that the Food Hygiene Rating Scheme is working correctly.

Finally, to ensure quality, procedures are kept under regular review.

6. Review

6.1 Annual Review against the Service Plan

Reviews against this two-year service plan will be undertaken every six months

6.2 Identification of any Variation from the Service Plan

Any variations from the service plan will be recorded in writing

6.3 Areas of Improvement

Any service issues identified during the Review process, performance monitoring or review of the service plan will be recorded in writing and an appropriate action plan formulated to address the issues.

APPENDIX A DETAILED RESOURCE ALLOCATION AND LEVELS OF COMPETANCY

Staffing Resources Estimated to be Required in 2015-16 and 2016-17

Activity	Full Time Equivalent required
Food Premises Inspections (section 3.1)	1.60
Food Complaints (section 3.2)	0.15
Primary Authority Principle (section 3.3)	0.00
Advice to Businesses (section 3.4)	0.15
Food Inspection and Sampling (section 3.5)	0.03
Food Related Infectious Disease (section 3.6)	0.10
Food Safety Incidents (section 3.7)	0.06
Liaison with other Organisations (section 3.8)	0.05
Food Safety Promotion (section 3.9)	0.19
Health Certificates	0.02
Total	2.35

Staffing Resources Available in 2015-16 and 2016-17

Designation	Full Time Equivalent Available
Environmental Health Officers	1.40
Environmental Health Technical Officers	0.20
Environmental Health Managers	0.30
Support Officers	0.28
Environmental Health Section Head	0.05
Total	2.23*

*the projected shortfall in FTE available may be made up by external contractors

Levels of competency

Levels of competencies are expressed with reference to the Food Standards Agency Code of Practice. Numbers are in terms of number of officers and not FTE's.

Competency Level	No. of officers
Inspection of HACCP based management control systems	5
Inspection of Category A-C	10
Inspection of substantial manufacturers	3
Inspection of Category D-F	10
Service of Improvement Notices	10
Service of Emergency Prohibition Notices (EPN) or voluntary agreements	7
Inspect, detain and seize foodstuff	10
Taking of informal samples	11
Taking of formal samples	11
Support activities	11

APPENDIX B HERTFORDSHIRE REGULATORS CHARTER

See attached document

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Hertfordshire Charter

Better Business for All Partnership Charter

This is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources.

Aim

To support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth.

Purpose

Hertfordshire Regulatory Services are committed to working with businesses to help them meet their statutory requirements and to prosper. This Charter sets out the actions and responsibilities of Hertfordshire Regulatory Services and businesses within Hertfordshire.

Regulatory Partners will:

- Support and promote the local economy by supporting local businesses
- Make it easy to seek advice
- Make information and advice easy to understand
- Explain the reason for their visit to businesses
- Carry out regulatory activity in a fair, helpful, transparent, proportionate and consistent way
- Be accountable

- Minimise the cost of compliance for businesses by ensuring that any action taken is proportionate to risk
- Coordinate services to minimise unnecessary overlaps and duplication
- Wherever possible reduce regulatory burden on businesses
- Consult with businesses through groups representing local businesses, when developing policies, plans and service standards
- Promote Better Business for All to businesses and consumers

The Federation of Small Businesses (FSB), Chambers' of Commerce (CoC) and Hertfordshire Local Enterprise Partnership (LEP) will encourage local businesses to:

- Seek advice from Hertfordshire Regulatory Services on matters of compliance
- Encourage other businesses to contact Hertfordshire Regulatory Services for advice
- Work with Hertfordshire Regulatory Services to achieve a satisfactory outcome and put problems right quickly
- Take part in publicity about positive experiences with regulators
- Be fair, helpful and transparent in dealing with Hertfordshire Regulatory Services staff
- Provide feedback to Hertfordshire Regulatory Services on improvements to the local regulatory system



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PART A

Report to: Licensing Committee
Date of meeting: 4 March 2015
Report of: Head of Community and Customer Services
Title: Review of Hackney Carriage and Private Hire Vehicle Conditions

1.0 SUMMARY

- 1.1 The Licensing Committee was advised at the meeting on 14 July 2014 of the work being undertaken by officers in relation to the Driver and Vehicle Implementation Plan, and as a result of the drivers' workshops which took place late in 2013 and early 2014. One of the areas which was to be reviewed were the vehicle licence conditions for both hackney carriage and private hire vehicles.
- 1.2 Officers have since completed a consultation exercise to look specifically at the vehicle licensing policy and licence conditions. The feedback from drivers and officers has been collated and a proposal of an amended policy and licence conditions has been prepared as a result for the Committee to consider.

2.0 RECOMMENDATIONS

- 2.1 That the Licensing Committee adopt the revised vehicle licensing policy and conditions which are attached to this report at appendix 2 (for hackney carriages) and appendix 5 (for private hire vehicles).
- 2.2 It is further recommended that the Committee approve that the new licence conditions and vehicle criteria come into force for new vehicle licences issued after 6 April 2015.

Contact Officer:

For further information on this report please contact: Austen Young (Licensing Officer) on telephone extension: 8474, email: austen.young@watford.gov.uk

Report approved by:

Alan Gough, Head of Community and Customer Services

3.0 DETAILED PROPOSAL

- 3.1 The Licensing Committee will be aware that officers held fourteen workshops with licensed drivers between 10 December 2013 and 23 January 2014. Approximately 80 drivers attended these workshops, in addition officers had one-to-one sessions with those drivers who were unable to attend workshops, and the licensing authority received a small amount of correspondence directly.
- 3.2 These workshops were designed to encourage debate and discussion, to increase understanding between the Council and the trade and to develop suggestions for improvements to the licensing regime that both support the vast majority of professional and compliant drivers, but also ensure suitable standards are maintained to ensure public safety and tackle any drivers that bring the reputation of the trade into disrepute.
- 3.3 Numerous issues were identified by the trade via these workshops. Issues were identified with the vehicle licensing policy, which sets the criteria that vehicles must satisfy before they can be licensed, and the vehicle licence conditions, which are attached to the licences of both hackney carriage and private hire vehicles. Licensees were asked if they agreed that the policy and these conditions should be reviewed by a small working group of volunteer drivers and officers.
- 3.4 Seventy-one drivers (consisting of 51 hackney carriage drivers, five private hire drivers, and fifteen drivers who did not state if they were hackney or private hire drivers) considered that a review of policy and vehicle licence conditions was needed, and fifty-three drivers (35 hackney drivers, six private hire drivers, and twelve drivers who did not specify) were not in support. Eighteen drivers (sixteen hackney drivers and two private hire drivers) who were in support of a review of both the policy and the vehicle conditions volunteered to form the working party.
- 3.5 The working party was arranged for 27 August 2014, between 1pm and 4pm, at the Town Hall. Those drivers who had volunteered to form the working party were invited to attend and to put their views across. The option was also given to submit their views in writing if they were not able to attend.
- 3.6 Two drivers attended the working party, two drivers submitted written submissions for consideration, and one volunteer was spoken to on a separate day as they were not able to attend the meeting.
- 3.7 The two main areas of concern with the vehicle licensing policy and vehicle licence conditions were as follows:
- vehicles being failed for what drivers considered to be 'minor' infringements – failing to provide correct First Aid kits and receipt books were specifically mentioned
 - number of seats, particularly within multi-purpose vehicles – opinion was

split, with two drivers saying that the current policy should be more strictly applied when deciding how many seats a vehicle should be licensed for, and three drivers saying that the existing policy should be relaxed.

- 3.8 The working party was not considering door signs, even though the use of door signs is included both within policy and the licence conditions. It was not felt that this was appropriate to discuss in further detail because the Committee had only recently agreed to the trial of magnetic door signs at the time of the working party, and had already agreed to review this policy by July 2015.
- 3.9 Officers have also used this opportunity of reviewing the licensing policy and licence conditions to update old and outdated areas of policy or conditions.
- 3.10 A summary of the proposals and changes to the licensing policy and licence conditions for hackney carriage vehicles is attached at appendix 1.
- 3.11 The proposed amended licensing policy and licence conditions to be applied to hackney carriage vehicles are attached at appendix 2. For reference, the existing hackney carriage vehicle licence conditions are attached at appendix 3.
- 3.12 A summary of the proposals and changes to the licensing policy and licence conditions for private hire vehicles is attached at appendix 4.
- 3.13 The proposed amended licensing policy and licence conditions to be applied to private hire vehicles are attached at appendix 5. For reference, the existing hackney carriage vehicle licence conditions are attached at appendix 6.
- 3.14 Officers recommend that any changes to the licensing policy and licence conditions do not come into force immediately, but instead come into force on Monday 6 April 2015. This is to allow the licensing authority time to communicate the changes, as well as to make the appropriate updates to licence templates and the Council's website. The changes will not apply retrospectively to existing licensed vehicles but will apply as they are renewed on an annual basis. Once the new conditions are approved officers will also draft some explanatory notes to help applicants and licensees understand the requirements more clearly.
- 3.15 Officers can also advise that the proposed policy amendments and licence conditions were made available to drivers who attended the 'drop-in' session on Monday 26 January 2015. No comments were submitted against the proposals as a result of this session.
- 3.16 **Issue of 'minor' infringements**
The working party felt that the following were minor infringements of the licensing policy and licence conditions and should not prevent the vehicle from being licensed
- failing to provide a First Aid kit, or failing to meet the specified contents

- failing to provide a facility for providing receipts
- dents and scratches up to a specified size
- failing to provide sufficient no-smoking stickers
- failing to display the fare tariff (in hackney carriages only)

3.17 The drivers did suggest a list of factors which they considered as being key criteria and which must be met before a vehicle can be licensed. They also suggested a list of secondary criteria, which a vehicle would not necessarily need to satisfy in order to be licensed, but would remain as conditions on the licence

Key criteria

- rooflight (for hackney carriages)
- taximeter correct (for hackney carriages)
- suitable and efficient fire extinguisher provided
- First Aid kit provided
- interior of vehicle is clean and tidy
- exterior of vehicle not showing substantial damage

Secondary criteria

- everything else (that is, vehicles can be licensed without receipt books, without no-smoking stickers, without tariff sheets) but drivers would need to prove compliance with these conditions at some point during the life of the licence

3.18 Officers did consider this approach, but the issue of secondary criteria does not sit well from the perspective of enforcement or administration. This could cause confusion by allowing a vehicle to be licensed even though it does not satisfy the policy of the licensing authority. This also has the potential to increase the level of enforcement relating to vehicles if officers are required to contact licensees to confirm that their vehicles are compliant. There would also be difficulty in enforcing these conditions during the life of the licence if these conditions did not need to be satisfied for the vehicle to be licensed in the first place.

3.19 First Aid kits

Officers have acknowledged the concerns over the prescribed list of contents

for the First Aid kit, and this is reflected in the proposal to remove this list of contents. A First Aid kit must still be provided within the vehicle for the driver's use, not for use on passengers, as required under Health and Safety at Work regulations¹. However, it will be up to drivers to assess the contents of the kit, in line with the current regulations. This reduces the burden on drivers.

3.20 Receipt pads

Officers are also investigating obtaining a supply of receipt pads to provide to drivers in order to further reduce the impact of failing on such an item. In order to maintain budgets, it may be necessary to sell such items at cost.

3.21 Bodywork

It should be noted that the licensing authority already prescribes criteria which should apply to the condition of the bodywork of a vehicle. The following items would constitute a failure and would need to be addressed before a vehicle could be licensed:

- the bodywork being insufficiently clean to allow a proper inspection of the vehicle
- visibly poor or unsatisfactory repairs to any part of the bodywork – for example, re-attaching bumpers or wing mirrors with duct tape
- dents over 40mm in diameter at their widest point and over 2mm deep
- a mismatch of paint – however, officers do have discretion to pass vehicles where the colour is similar and the overall standard is good
- dull paintwork
- a scratch over 300mm long
- a single rust scab or blemish larger than 10mm x 10mm

With the exception of clarifying the maximum size of rust scabs and blemishes, there is no proposal to vary these criteria. The previous limit of a single rust scab or blemish was only 10mm, and gave no indication of overall size. Only a small number of vehicles are failed for not meeting the standards required of the exterior of the vehicle, and so it is not felt that these standards are too restrictive or burdensome upon drivers. Requiring a high standard of the bodywork also helps in enhancing the trade's visual image and reputation.

3.22 Tariff

Byelaw 15(a) of the Council's hackney carriage byelaws states the following:

“The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.”

¹ Reg 5, Health and Safety (First-Aid) Regulations 1981 SI 1981 No 917

It is therefore not felt that it is appropriate to licence a vehicle without a tariff sheet on display. Replacement tariff sheets are available from the licensing authority and are provided at no charge.

3.23 “No Smoking” signage

Under the Health Act 2006 and accompanying regulations, it is illegal to smoke within hackney carriage and private hire vehicles at any time. It is a legal requirement that vehicles display at least one no-smoking sticker to communicate this. Again, it is not felt that it is appropriate to licence a vehicle without any no-smoking stickers because this would be a breach of legislation, which the Council has a duty to enforce. The existing test criteria require two no-smoking stickers to be displayed within the vehicle, one on the near-side and one on the off-side of the vehicle, so that all passengers are aware that no smoking is permitted within the vehicle regardless of how they approach the vehicle. This also helps to maintain standards across all vehicles by stipulating how many stickers should be on display and where they should be displayed.

3.24 Where vehicles have been identified during an inspection as failing on the grounds of not displaying any no-smoking stickers, officers have been providing stickers for no charge. Officers have been able to do this because Environmental Health had a surplus of no-smoking stickers in storage from the introduction of the Health Act 2006, and so the licensing authority have been taking advantage of this surplus. If this supply of no-smoking stickers should be exhausted, officers will review if it is appropriate to order in more stickers. Should extra stickers be purchased, it may be necessary to start selling such items at cost to balance the budget.

3.25 Number of passenger seats

Drivers were split on the issue of how many passengers a vehicle should be licensed to carry, especially when considering multi-purpose vehicles (MPVs) such as Vauxhall Zafiras and Volkswagen Sharans. There were arguments submitted both for and against a change in our policy, with drivers asking for the policy to either be relaxed or tightened. There was little support for the current policy to remain in force. Members will recall there have been previous debates over this policy issue.

3.26 The argument for tightening our existing policy, and restricting the number of seats which can be licensed in vehicles, concentrated upon the issue of luggage. Two drivers called for the existing policy to be tightened. In MPVs, the drivers stated that there is not enough room to carry luggage for six people if all of the seats are occupied. They called for all vehicles with seven seats (including the driver) to be licensed for four passengers only, and that the rear two seats are automatically discounted and folded away at all times that the vehicle is available for hire, in order to guarantee adequate luggage space. They also asked that vehicles with nine seats (including the driver) to be licensed for six passengers only, with the front two passenger seats automatically discounted, again to guarantee adequate luggage space.

3.27 It was also submitted that there are issues with the health and safety of

passengers in allowing passengers to use the rear seats or very front seats in these vehicles, and that the comfort of passengers was also compromised.

3.28 The drivers who argued for relaxing our existing policy, and not restricting the number of seats which can be licensed in vehicles, mentioned three specific points:

- *Transparency and understanding*
The drivers mentioned that the existing conditions regarding seating were difficult for drivers to comprehend, and did not assist drivers when purchasing vehicles. If the existing policy on restricting the number of passenger seats within certain vehicles was to remain, the drivers wanted a definitive list of vehicle make and models which would be licensed for four, six and eight passengers
- *Safety and comfort*
The drivers did not feel that there are any issues with the comfort or safety of passengers using the rear seats in MPVs, or the front seats of mini-buses or taxi conversions. One driver highlighted that these seats are purpose-built, upholstered, with headrests and seatbelt anchorages; the same as any other seat within the vehicle. The drivers also questioned the Council's ability to query the validity of seats within vehicles, when the vehicle manufacturers have to undergo stringent safety tests before they can be made available for purchase. Where a vehicle has been converted or adapted, the conversion and adaptations must be approved by the Vehicle Certification Agency.
- *Cost*
Finally, the drivers stated that the insurance and costs of running a seven- or nine-seat vehicle were more than for a hatchback or saloon vehicle, due to lower fuel efficiency, and because insurance companies automatically assume that the vehicle is being fully occupied with all seats in use. By not allowing drivers to take extra passengers, they were unable to offset the additional expenditure through extra fares. This was particularly relevant to MPVs, where a car licensed for six seats benefits from using tariffs three and four, which have a higher flag rate than tariffs one and two, which are for vehicles carrying up to five passengers.

3.29 Officers have considered the issue of seating very carefully. This has also included referring to other licensing authorities and their policies on seating arrangements, within Hertfordshire and beyond.

3.30 The concept of operating a list of vehicles and how many passengers they can carry is not very practical. Such a list would need to be constantly updated and reviewed due to the fact that vehicle manufacturers frequently revise their models and technical specifications, as well as releasing special editions, such as sports and exclusive editions. Without inspecting each and every type of vehicle available on the market currently and in the future, we would be required to set criteria which vehicles must satisfy to be licensed for four, six or

eight passengers. Having seen the criteria set by other licensing authorities, this would not address the issue that the drivers have raised regarding clarity, because these criteria can be complicated.

- 3.31 It has been felt that the issue of luggage is something which should be up to the customer. If the customer has shopping bags or other items which need carrying and they are happy with the vehicle which they are offered or pick up from a rank, then that is the customer's choice. Likewise, if the customer is not happy with the vehicle on offer, then they have the right to refuse to take that vehicle. It was also felt that the majority of groups who wanted to be transported with a large amount of luggage, for example a group of friends going on holiday and who needed transport to a train station or airport, would be more likely to pre-book a vehicle. This would be the appropriate time to negotiate how many vehicles were needed and how much luggage would be conveyed.
- 3.32 The issue of safety can not be considered. A vehicle should not be licensed unless it is 'suitable' for the carriage of passengers. The construction and arrangement of these vehicles has already been declared to be safe and there is no substance to an argument that they are anything but safe. Vehicles must have a type-approval certificate before they may be used on the road, even if they have been converted or modified since construction. The question of suitability is very subjective, which goes some way to explaining why there is no consensus among licensing authorities.
- 3.33 To attempt to clear up the confusion which has been reported, and to allow a more permissive approach, officers therefore suggest that the policy on seating is relaxed, and that vehicles will be licensed to carry the number of passengers as stated on the logbook for the vehicle. This approach increases choice for drivers, prevents misinterpretation of policy or differing opinions on the 'suitability' of seating arrangements, as well as satisfying the majority opinion of the working party.
- 3.34 It should be noted that, when considering the capacity of a vehicle, any child under the age of three does not count towards the overall occupancy of the vehicle and can sit on an adult's lap without restraints.
- 3.35 **Officer housekeeping**
Officers have used this opportunity of reviewing the licensing policy and vehicle licence conditions to suggest updates and amendments as part of general housekeeping. Some changes have also occurred as the council no longer issues Certificates of Compliance as to the mechanical safety of the vehicles but relies on the general scheme of MOT vehicle testing.
- 3.36 It is proposed to remove a number of irrelevant policy requirements and conditions, which are redundant either because of changes to legislation and policy, or due to advancements in technology. Some conditions which are also not actively enforced, and which have not resulted in any loss of standards, are also proposed to be removed. Finally, some changes are cosmetic and are proposed to simplify the appearance of our conditions. Changes include:

- removing a condition which prohibited the use of leaded petrol
- removing references to policies which are no longer actively enforced or applicable to new licensed vehicles
- removing a condition with regards to the types of wheels which can be used on vehicles
- updating a condition regarding spare wheels, due to changes in manufacturer's not supplying spare wheels with every make and model
- updating a condition with regards to two-way radio equipment, due to changes in how drivers accept bookings, to ensure that no equipment interferes with the driver's ability to operate the vehicle
- updating some conditions to make them clearer as to what is required
- re-formatting the conditions to include policy points as reference

3.37 Policy changes include removing the minimum engine size requirement. This is necessary to allow the licensing of electric and hybrid vehicles, because current specifications on such cars do not meet or equate to the engine size which was prescribed. This allows drivers a much greater choice of vehicle.

3.38 Officers do not believe that any of these changes are increasing the burden on drivers and licence holders. They are meant to tidy up and update policy, conditions and test criteria. This is consistent with the council's obligations under the statutory Regulators' Code² that regulators should:

- carry out their activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base their regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that their approach to their regulatory activities is transparent.

² <https://www.gov.uk/government/publications/regulators-code>

3.39 Officers also do not believe that these proposals are contrary to the Department for Transport's (DfT) best practice guidance³ for licensing hackney carriage and private hire vehicles. It should be noted that this is not statutory guidance.

4.0 IMPLICATIONS

4.1 Financial

4.1.1 The Director of Finance comments that there are no financial implications arising from this report.

4.2 Legal Issues (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that any changes to policy cannot be applied retrospectively. Changes to policy and conditions will only apply to vehicles which are licensed as hackney carriages or private hire vehicles for the first time after any changes are approved and are in force.

4.2.2 Individual licence holders also have the right to appeal against the imposition of any conditions on a vehicle licence to the Magistrates Court within twenty-one days of the grant of the licence. However, it is felt that the risk of appeal is low and unlikely because the proposals are looking at reducing the burden on drivers, as opposed to introducing tougher standards.

4.3 Potential Risks

4.3.1

Potential Risk	Likelihood	Impact	Overall score
Appeal against conditions	1	1	2

Appendices

Appendix 1 – summary of proposals regarding hackney carriage vehicles

Appendix 2 – proposed hackney carriage policy and licence conditions

Appendix 3 – existing hackney carriage licence conditions

Appendix 4 – summary of proposals regarding private hire vehicles

Appendix 5 – proposed private hire vehicle policy and licence conditions

Appendix 6 – existing private hire vehicle licence conditions

Background Papers

None

File Reference

Vehicle conditions

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

Summary of Changes - Hackney Carriage Vehicle Licences

HACKNEY CARRIAGE VEHICLE LICENCE POLICY	
Policy Area	Description of Change
Age limit	No change
Engine size	Amended policy so that engine size is not prescribed. Removing the requirement that engines had to be at least 1600 cc will allow electric and hybrid vehicles to be licensed as hackney carriages
Type of vehicle	Removed reference to vehicles carrying swivel cushions. This policy has not been applicable to new vehicles since February 2010 Also combined descriptions of which vehicles can be licensed, and added in the vehicle type of 'hatchback'
Vehicle modifications	Clarified that any modifications to a vehicle must be formally approved, with documentation to certify that the works meet regulations, in order to establish that the vehicle is still safe and suitable for use
Stretch limousines	Clarified that no stretch limousine would be considered for a hackney carriage licence
Seating capacity	Amended policy so that vehicles will be licensed to carry the number of passengers as permitted by the logbook. Also confirms that any changes to capacity must be approved by the licensing authority, to allow the licence to be updated as and when required and also to allow checks to confirm that the vehicle is still safe and roadworthy
Window tints	Amended policy to allow window tints
Left hand drive	Clarified that left hand drive will generally not be suitable for licensing as a hackney carriage as it does not provide safe nearside access - passengers may be forced not directly onto the pavement, but into the road instead
Limit on number of licences	No change
Documents to be	Clarified that all vehicles must have passed an MOT no more than 30 days prior to licensing, regardless of the

provided	age of the vehicle (as new vehicles do not require MOTs for private use until they are 3 years old)
Condition of vehicle upon inspection	No change
Plates and brackets	No change
Taximeter	No change
Meter calibration	No change
8 passenger vehicles	Amended policy to remove requirement that all vehicles licensed for 8 passengers must display prescribed signs advising the location of the emergency exit, and means of operation

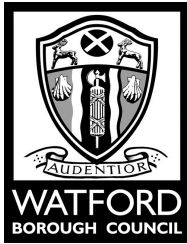
HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS		
Old Condition	New Condition(s)	Description of change
1	N/A	Removed as redundant. Refer to policy changes for 'type of vehicle'
2	N/A	Removed condition relating to external mirrors. All vehicles which are suitable to be licensed for hackney carriage purposes will be manufactured with two external wing mirrors as standard
3	6	Removed reference to vehicle being fitted with all radial or cross-ply tyres. The legal requirement is that tyres on the same axle are of the same type. All tyres do <u>not</u> need to be of the same type. Also removed reference to carrying spare wheel. Manufacturers no longer provide spare wheels as standard. Instead manufacturers are favouring the provision of equipment such as canisters, which inflate or fill damaged tyres (e.g. with foam) as a short-term fix. Condition is amended to allow carriage of such equipment. Where vehicles do have a spare wheel, they will still comply with this condition
4	3 (1) – 3 (3)	Clarified that roof signs (except integrated signs) should state "Taxi" in black type on a white background on the front and "For Hire" in black type on a red background on the reverse. This is our existing policy
5	7	Amended condition to simply state that position of taxi meter must be approved by the Council.
6	5	Updated condition so that it does not just refer to two-way radio equipment. This takes into account the fact that drivers have other equipment in their vehicles, such as PDAs and satellite navigation systems.
7	3 (4) – 3 (6) 4	No change
8	9 (1) – 9 (4)	Only change is to clarify that any equipment which is carried, such as ramps and straps, must be permanently and legibly marked with the registration of the vehicle. This is our existing policy
9	10	Amended to state that drivers must have either have passed DVSA wheelchair assessment for taxis and private hire vehicles, or have taken an approved disability awareness course. This reflects driver licence policy which has been recently amended to require all new drivers to take an approved disability awareness

		course prior to being licensed for the first time
10	11	No change
11	N/A	Removed condition requiring seats to be securely fixed. No vehicle would be passed as being roadworthy if the seats could not be secured or locked into a fixed position
12	12 (1) – 12 (3)	Amended condition to expand upon the definition of luggage compartment for different vehicles, not just estate vehicles
13	N/A	Removed condition requiring provision of luggage straps, freeing drivers to choose their own method of securing luggage and not tying them down to specific requirements relating to measurements etc. Providing means of securing luggage are required by the hackney carriage bye-laws, but are not restrictive
14	13	No change
15	14	Amended condition to cover all doors which access luggage compartment, so that no luggage is in a position where it can fall out of the vehicle
N/A	1 (1) – 1 (4)	Clarified that hackney carriage proprietors must maintain their vehicles in a suitable and clean condition. This is also required by the hackney carriage bye-laws. Also confirms that unsatisfactory modifications are not acceptable (provided that consent has been obtained from the Council to make such modifications)
N/A	2	Clarified that drivers must display their badges within their vehicles in the prescribed manner. This is also required by the hackney carriage bye-laws
N/A	3 (7)	Clarified that hackney carriage proprietors must maintain the plates on their vehicles in the prescribed manner and not allow the plate to become damaged or ineligible. This is also required by the general hackney carriage legislation.
N/A	5 (1) and 5 (2)	Clarified that hackney carriage proprietors must display at least 2 no-smoking stickers on their vehicles. This is our existing policy Also clarified that only approved stickers should be on the windscreen (as well as what stickers are

		approved) and that no sticker should encroach more than 40mm into the swept area. The requirement about not encroaching more than 40mm into the swept area of the windscreen is a legal requirement under construction and use regulations
N/A	15	Clarified that a First Aid kit must be carried and maintained, but no longer with stipulated contents. This is an amendment to our existing policy, and is also required by Health and Safety at Work Act regulations
N/A	16	Clarified that a fire extinguisher must be carried and maintained. This is our existing policy, and is also required by the hackney carriage bye-laws
N/A	17	Clarified that any modifications to the vehicle must be approved by the Council, including any changes to seating capacity. This is our existing policy
Additional conditions for mini-buses, MPVs and 'stretch' limousines		
1	N/A	This is already policy and does not need to be included as a separate condition. Also makes reference to private hire vehicles which is potentially confusing on a hackney carriage licence
2	N/A	Removed as redundant. Age limits were superseded by changes approved by the Committee in March 2014
3	N/A	This is already policy and does not need to be included as a separate condition.
4	N/A	Removed as redundant. Provision of swivel seats no longer policy.
5	N/A	This is already policy and does not need to be included as a separate condition
6	N/A	Removed as redundant. Only applies to private hire vehicles
7	N/A	This is already policy and does not need to be included as a separate condition
8	N/A	Proposal is to remove because it is recommended to relax this policy. Refer to policy changes for 'seating capacity'

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The following policy requirements and hackney carriage vehicle licence conditions are proposed. Where existing policies or conditions have been amended, or where new policy requirements or conditions have been proposed, such changes are highlighted by **bold text**



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 POLICY REQUIREMENTS FOR HACKNEY CARRIAGE VEHICLE LICENCES

1. No vehicle shall be licensed for the first time if it is more than seven years old at the date of applying for the licence.

For the purposes of this policy, the age of the vehicle refers to the year in which it was registered with the DVLA - for example, a vehicle first licensed in 2015 may not be registered earlier than 2008.

2. Vehicles must be either:
 - (1) a purpose-built London-style hackney carriage (**meaning such vehicle has been approved for use by Transport for London for use as a hackney carriage**), or a converted vehicle, which is capable of carrying a passenger whilst sitting in a wheelchair, providing such vehicle has the appropriate approval-type certificate; or
 - (2) a saloon, **hatchback**, estate or multi-purpose people carrier capable of carrying a folded wheelchair, with at least 4 doors.
3. The Council is unable to licence vehicles that carry more than eight passengers and a driver. **Applications for any converted vehicles must be accompanied by an appropriate Type Approval Certificate.**
4. **No 'stretch' limousine will be licensed as a hackney carriage.** All other vehicle types will be subject to inspection on a case-by-case basis.
5. **The maximum number of passengers which the vehicle will be licensed to carry will be the number of seats recorded on the V5C registration document (logbook) as being suitable for carrying passengers**
6. **Left-hand drive vehicles will not be considered as suitable for licensing on safety grounds as they will generally require front-seat passengers to step into the roadway to enter or exit the vehicle.** Any vehicle which does not allow for safe near-side access and egress for passengers will also not be considered.
7. On 19 March 2012 the Council set a maximum limit of 304 hackney carriage vehicle licence because it was satisfied that there was no significant unmet demand. This limit was set with the proviso that any licences that are

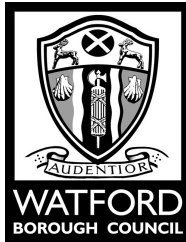
surrendered or revoked shall not be re-issued and that the limit shall decrease by the exact number of licences which were surrendered or revoked.

Any exception to this strict policy will be considered on a case-by-case basis by the Head of Community and Customer Services in consultation with the Chair of the Licensing Committee.

8. Vehicles will not be licensed unless
 - (1) there is in force a current insurance policy compliant with the Road Traffic Act 1988;
 - (2) a valid MOT certificate is in force (issued within the previous 30 days), **regardless of the age of the vehicle**;
 - (3) that officers are satisfied the vehicle is **or will be** registered with the Driver and Vehicle Licensing Agency;
 - (4) the vehicle is taxed at the time of licensing (unless the vehicle is exempt from taxation); and
 - (5) **that an appropriate type-approval certificate has been issued where necessary.**
9. When vehicles are presented for inspection, the exterior of the vehicle (including the underside of the vehicle) and interior must be in a suitable clean condition to allow for proper inspection of these areas. If the vehicle is presented in such a condition to prevent a full inspection, the inspection will not be carried out.
10. Vehicle plates must be securely mounted on a bracket which is permanently affixed to the rear of the vehicle. The bracket must be clearly seen and must not obscure any rear lights or the vehicle index plate.

The detachable plate slip which is issued once a vehicle is licensed must be permanently affixed in a position where it can be clearly seen by rear and front seat passengers.
11. A taximeter must be securely fitted within any vehicle which is to be licensed as a hackney carriage. The meter must be visible from the rear passenger seats, and must not interfere with the safe operation of the vehicle.
12. The taximeter must be calibrated to the tariff set by the licensing authority, and must not show any other tariffs. The meter must be sealed, without showing signs of tampering or misuse.

A calibration certificate must be provided for all vehicles which are to be licensed for the first time.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 STANDARD CONDITIONS FOR HACKNEY CARRIAGE VEHICLE LICENCES

Within these conditions:

“Council” means Watford Borough Council and its officers

“You” means the person to whom the licence is granted

1. Cleanliness

- (1) **You must keep the exterior of the vehicle bodywork in a suitable and clean condition at all times such that road dirt, mud or other detritus does not excessively obscure any paintwork, lights, windows, licence plates or number plates.**
- (2) You must maintain the vehicle in a manner satisfactory for public service at all times, **without evidence of corrosion, damage, unsatisfactory repairs and/or unsatisfactory modifications.**
- (3) You must keep the interior of the vehicle in a suitable and clean condition at all times without accumulations of dust, dirt, litter, general debris, staining, excessive unpleasant odours or excessive wear.
- (4) You must ensure that seat cushions and back rests are adequately maintained in good condition and offer proper support to passengers.

2. Driver Identification

You must make sure that there shall be displayed so that it is visible from the rear seat on the dashboard of the vehicle, whilst it is available and used for hire, an identity style badge as provided by, and which shall remain the property of, the Council, which shall have incorporated within it a photograph of your face and your badge number.

3. Vehicle Identification

- (1) Hackney carriages must be fitted with a roof sign which meet the approval of the Council's officers. A vehicle other than one with an integral “Taxi” sign must be fitted with a roof sign which is white in colour with the words “Taxi” in black writing on a white background on the front and “For Hire” in black writing on a red background on the reverse. The roof sign must be maintained in good working order.
- (2) The roof-sign must be capable of being lit, and must cease to be lit when the

taximeter is brought into operation.

- (3) Vehicles capable of carrying passengers in a wheelchair and/or of having accommodation for wheelchairs must incorporate a sign into the roof sign indicating their purpose
- (4) You must display door signs of a type and style approved by the Council's officers, such sign to contain the Watford Borough Council logo, and the words "Licensed Taxi", on the front doors of the vehicle. You may not display any other signage on the front doors of the vehicle unless explicitly authorised by the Council's officers.
- (5) You must not, without reasonable excuse, fail to display such signs at all times that the vehicle is hired, plying for hire (including waiting on a rank), on the way to collect a passenger or otherwise used as a hackney carriage.
- (6) Door signs must be maintained in a clean, readable and undamaged state.
- (7) You must keep the exterior licence plate and interior licence plate issued by the Council clearly visible and the details legible at all times. The exterior licence plates must be securely fixed to a bracket in a manner approved by the Council's officers.

4. Advertising

You may not display any advertisement or sign of any nature on the vehicle other than an advertisement or a sign of a type authorised by the Council.

5. Other Vehicle Signs

- (1) **You must display at least one "No Smoking" sign on at least one near-side and one off-side window to be clearly visible to passengers before entering the vehicle.**
- (2) You may only display the following window stickers or signs providing those do not encroach more than 40 mm into the area swept by the windscreen wipers or obscure vision through the windows:
 - (a) those containing the name and telephone number of a hackney carriage firm located in Watford **and recognised by the Council**
 - (b) **an authorised parking permit**
 - (c) **membership of a recognised motoring organization or hackney carriage association**
 - (d) **disability awareness signs.**

6. Tyres

You must ensure that the vehicle has, at all times, appropriate equipment and/or tools to repair or replace a punctured or damaged tyre.

7. Taxi Meters

You may not use a taximeter unless it is of a type, and secured in a position, approved by the Council's officers.

8. Non-Factory Fitted Equipment

- (1) **You may not use non-factory fitted equipment (for example, radios, PDAs, sat-nav systems) unless they are installed in positions approved by the Council's officers.**
- (2) **You must notify the Council before installing any non-factory fitted equipment so that the equipment and proposed position may be tested in relation to passenger and driver safety and comfort. The vehicle must not be used as a hackney carriage before the equipment and position have been approved by the Council.**

9. Wheelchair Access

- (1) A three-point seatbelt assembly together with suitable wheelchair restraints must be provided for the use of wheelchair occupants in vehicles capable of carrying passengers in their wheelchairs. Anchorages must be provided for the wheelchair and chair bound disabled person to the latest industry standard. Restraints for wheelchair and occupant must be independent of each other.
- (2) Anchorages must be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers at any time.
- (3) A ramp(s) for the (un)loading of wheelchair passengers must be available at all times for the safe access and egress of passengers. Adequate locating device(s) must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be of sufficient strength and stability such that they will not bend and will remain stable during use and must be of a safe working limit of at least 300 kg over its entire length. The ramp(s) must be capable of being stowed away securely and safely when not in use.
- (4) Ramps must be permanently legibly marked with the registration mark of the vehicle for which they are provided.

10. Drivers of Wheelchair Accessible Vehicles

Where a hackney carriage is capable of carrying a passenger sitting in a wheelchair in the vehicle, the driver of the hackney carriage must have passed the wheelchair exercise element of the Driving and Vehicle Standards Agency test **or have attended a disability awareness course approved by the Council.**

11. Receipts

You shall ensure that the driver of the vehicle offers to each passenger (or, if there are more than one passengers, at least one of those passengers) at the termination of their journey a receipt which shall contain at the least the following information:

- (a) the date
- (b) the fare for that journey
- (c) the number of the badge issued by the Council to that driver
- (d) other information that may be specified in writing to you by Council officers.

12. Luggage Compartment

- (1) For the purposes of bylaw 23(iii) of the Council's Byelaws relating to hackney carriages, 'luggage compartment' means the space behind the rear seats, or when the furthestmost rear seats are folded down, the space to the rear of the next complete row of seats. In purpose-built hackney carriages or mini-buses, the luggage compartment may be the front footwell on the passenger side provided that any seat in this location is not occupied by a passenger.
- (2) You must ensure the luggage compartment is kept free from corrosion, dirt, dust, grease, litter or water penetration etc that may stain or damage any luggage which may come into contact.
- (3) You may not carry any tools or other equipment in the luggage compartment unless related to maintenance of the vehicle and securely stowed.

13. Large Packages

You must not allow any packages or other luggage etc to protrude from the luggage compartment over any of the seats which may be occupied, or outside the vehicle.

14. Tail Gate or Rear Doors

All doors which allow access to the luggage compartment (eg a tailgate, boot, or rear doors) must be locked shut when the vehicle is in motion.

15. First Aid Kit

- (1) **You must ensure that a First Aid Kit, meeting the requirements of the Health and Safety (First-Aid) Regulations 1981 (or any regulations which amend or supersede the regulations) is carried in a secure position at all times.**

(2) **The registration mark of the vehicle shall be permanently and legibly written on the First Aid Kit.**

16. Fire Extinguisher

You must ensure a suitable, efficient and accessible fire extinguisher is fitted and kept maintained in the vehicle.

17. Vehicle Modifications

You must request in writing the Council's consent, and obtain such consent, before making any modification to the vehicle, including its seating capacity.

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Local Government (Miscellaneous Provisions) Act 1976, section 47
Existing Standard Conditions for Hackney Carriage Vehicle Licence

(1) **VEHICLE**

No vehicle shall be licensed for the first time as a hackney carriage unless it meets the following conditions:

(a) it is a purpose built London style hackney carriage or similar capable of carrying wheelchair-bound passengers in their wheelchair;

OR

(b) it is a saloon car, estate car or taxi conversion vehicle fitted with a swivel cushion and is capable of carrying a folded wheel-chair;

OR

(c) is a taxi conversion vehicle capable of carrying a passenger sitting in a wheel chair.

2. External Mirrors

Two external mirrors one to each side of the vehicle, must be fitted to allow the driver on adequate view to rear. Extra mirrors if fitted, must not interfere with the use of any other mirror.

3. Tyres and Wheels

The vehicle must be fitted with all radial or all cross-ply tyres, including the spare wheel is used in an emergency only.

The spare wheel must always be carried and the spare wheel and tyre must be the same as originally supplied with the vehicle and used only in accordance with the car manufacturer's instructions.

4. Roof Signs

Hackney carriages must be fitted with a roof sign which meet the approval of the Council's officers. A vehicle other than one with an integral "Taxi" sign must be fitted with a roof sign which is white in colour with the words "Taxi" in black writing on the front and "For Hire" in black writing on a red background, such sign being capable of being lit when the vehicle is plying for hire.

In addition vehicles capable of carrying passengers in a wheelchair and/or of having accommodation for wheelchairs must incorporate a sign indicating their purpose. The roof sign must cease to be lit when the taxi meter is brought into operation.

5. Taxi Meters

The position of the taxi meter must be prescribed by the Council's inspecting officer. Any intermediate gear box must be positioned so that the Council's seal can be affixed and also inspected on raising the vehicle bonnet.

6. Two-Way Radio Equipment

Before two-way radio equipment is installed the Head Of Environmental Services must be notified so that the equipment and proposed position may be tested in relation to passenger and driver safety and comfort. The vehicle must not be used as a hackney carriage before the equipment and position have been approved by the Council's inspecting officer.

7. Advertising

No advertisement sign of any nature shall be displayed on the vehicle other than an advertisement of a type to be authorised by the Council.

Door signs of a type and style approved by the Council's officers, such sign to contain the Watford Borough Council logo, and the words "Licensed Taxi", shall be displayed on the front doors of the vehicle.

The licence holder must not, without reasonable excuse, fail to display such signs at all times that the vehicle is hired, plying for hire (including waiting on a rank), on the way to collect a passenger or otherwise used as a hackney carriage.

8. Wheelchair access

A three-point seatbelt assembly together with suitable wheelchair restraints must be provided for the use of wheelchair occupants in vehicles capable of carrying passengers in their wheelchairs. Anchorages must be provided for the wheelchair and chair bound disabled person to the latest industry standard. Restraints for wheelchair and occupant must be independent of each other.

Anchorages must be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers at any time.

A ramp(s) for the (un)loading of wheelchair passengers must be available at all times for the safe access and egress of passengers. Adequate locating device(s) must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be of sufficient strength and stability such that they will not bend and will remain stable during use and must be of a safe working limit of at least 300 kg over its entire length. The ramp(s) must be capable of being stowed away securely and safely when not in use.

9. Where a hackney carriage is capable of carrying a passenger sitting in a wheelchair in the vehicle, the driver of the hackney carriage must have passed the wheelchair exercise element of the Driving Standards Agency test.

10. Receipts

The holder of this licence shall ensure that the driver of the vehicle offers to each passenger (or, if there are more than one passengers, at least one of those passengers) at the termination of their journey a receipt which shall contain at the least the following information:

- (1) the date
- (2) the fare for that journey
- (3) the number of the badge issued by Watford Borough Council to that driver
- (4) other information that may be specified in writing to the licence-holder by Council officers.

Extra Conditions Relating to Estate Cars

11. Rear Seats

The rear seats of the vehicle must be securely fixed or folded down.

12. Luggage Compartment

For the purposes of bylaw 23 (iii) 'luggage compartment' means the space to the rear seats or when rear seats are folded down, the space to the rear of the front seat.

13. Luggage Straps

(a) (i) At least three pairs of brackets (of sufficient width to take 1" wide straps must be provided, secured firmly either to the base of the frame sides of the vehicle, one pair immediately behind the rear seats, one pair centrally placed at the sides, and one pair next to the tail gate or rear doors.

(ii) At least three strong flexible straps of webbing or leather not less than 1" wide and of a length not less than 1½ times the width of the luggage compartment must be provided.

(iii) All luggage must be firmly secured by means of the said straps and the said brackets or

(b) (i) A dog guard (a grille) may be securely fitted behind the rearmost seat as an alternative to 12(a) above.

14. Large Packages

No packages shall be allowed to protrude from the luggage compartment over any of the seats which may be occupied, or outside the vehicle.

15. Tail Gate or Rear Doors

The tail gate or rear doors must be locked shut when the vehicle is in motion.

Additional conditions approved by the Environmental Health and Licensing Committee on 3 October 2001 and amended by the Licensing Committee on 5 July 2010 for the licensing of mini-buses, multi-purpose vehicles and 'stretch' limousines:

- 1 the Council's standard requirements for licensed vehicles are met, apart from the requirement that private hire vehicles must have at least four doors;
- 2 no mini-bus may be older than 3 years old or multi-purpose vehicle older than 4 years old at the date of first being licensed;
- 3 the vehicle allows for safe near-side access and egress for passengers;
- 4 wherever possible, vehicles must be fitted with a swivel-seat or other aids for disabled customers;
- 5 vehicles with unusual features, such as tail-gate lifts or hoists, will be examined on a case-by-case basis;
- 6 no 'stretch' limousine will be licensed for more than six months at a time, and no licence will be issued for such a vehicle that is more than ten years of age;
- 7 vehicles with completely tinted windows will not be licensed;
- 8 [For vehicles first licensed from 26 September 2011]
The licensed vehicle shall carry no more passengers than can be seated in full-size, fixed seats, providing that:
 - (i) rear-seat passengers are able to use a door other than the driver's or front passenger door
 - (ii) the vehicle can sufficiently accommodate a reasonable amount of luggage; and
 - (iii) there shall be sufficient room between the seats to allow adequate room for the movement of passengers. These shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and there shall be 180 mm from the back of the front seat to the front of the rear seat when the front seat is fully pushed back.

For the purposes of this condition, the following will not be counted:

- (i) seats considered to be flip-up or folding seats (other than in London-style purpose-built hackney carriages)
- (ii) those considered by the Council's officers to be unsuitable for the carriage of members of the public.

Summary of Changes – Private Hire Vehicle Licences

PRIVATE HIRE VEHICLE LICENCE POLICY	
Policy Area	Description of Change
No age limits	No change
Engine size	Amended policy so that engine size is not prescribed. Removing the requirement that engines had to be at least 1600 cc will allow electric and hybrid vehicles to be licensed as private hire vehicles
Stretch limos	No change
No livery requirements	No change
Vehicle modifications	Clarified that any modifications to a vehicle must be formally approved, with documentation to certify that the works meet regulations, in order to establish that the vehicle is still safe and suitable for use
Window tints	Amended policy to allow window tints that are not factory fitted (note these will still be required to be approved)
Left hand drive	Clarified that left-hand drive vehicles will generally not be suitable for licensing as a private hire as it does not provide safe near side access - passengers may be forced not directly onto the pavement, but into the road instead
Carrying of luggage	Amended policy to remove wording that required vehicles to accommodate a 'reasonable' amount of luggage. It is still a condition of the private hire driver's licence that they must convey a reasonable amount of luggage when requested by a passenger
Seating capacity	Amended policy so that vehicles will be licensed to carry the number of passengers as permitted by the logbook. Also confirms that any changes to capacity must be approved by the licensing authority, to allow the licence to be updated as and when required and also to allow checks to confirm that the vehicle is still safe and roadworthy
Documents to be	Clarified that all vehicles must have passed an MOT no more than 30 days prior to licensing, regardless of the

provided	age of the vehicle (as new vehicles do not require MOTs for private use until they are 3 years old)
Condition of vehicle upon inspection	No change
Plates and brackets	No change
8 passenger vehicles	Amended policy to remove requirement that all vehicles licensed for 8 passengers must display prescribed signs advising the location of the emergency exit, and means of operation

PRIVATE HIRE VEHICLE LICENCE CONDITIONS		
Old Condition	New Condition	Description of change
1	1	No change
2	N/A	Removed reference to vehicles not being painted white with a black bonnet. Such a condition was necessary when hackney carriages were liveried, but this condition is now redundant
N/A	2	Added condition requiring vehicle to be kept to specific standard. Also confirms that unsatisfactory modifications are not acceptable (provided that consent has been obtained from the Council to make such modifications)
4	N/A	Removed condition relating to external mirrors. All vehicles which are suitable to be licensed for private hire purposes will be manufactured with two external wing mirrors as standard
5	3	Removed reference to vehicle being fitted with all radial or cross-ply tyres. The legal requirement is that tyres on the same axle are of the same type. All tyres do <u>not</u> need to be of the same type. Also removed reference to carrying spare wheel. Manufacturers no longer provide spare wheels as standard. Instead manufacturers are favouring the provision of equipment such as canisters, which inflate or fill damaged tyres (e.g. with foam) as a short-term fix. Condition is amended to allow carriage of such equipment. Where vehicles do have a spare wheel, they will comply with this condition
6	4	Amended condition to simply state that position of taxi meter must be approved by the Council.
7	5	Updated condition so that it does not just refer to two-way radio equipment. This takes into account the fact that drivers have other equipment in their vehicles, such as PDAs and satellite navigation systems
8	6	Amended condition so that it now reads that a 'suitable' and efficient fire extinguisher is provided and maintained. The current policy - that a 1kg dry powder fire extinguisher be provided and maintained within the vehicle - remains and is not changing

9	N/A	Removed condition requiring vehicles to operate on unleaded petrol. No new vehicles will be manufactured to run on leaded petrol
12	N/A	Removed condition requiring seats to be securely fixed. No vehicle would be passed as being roadworthy if the seats could not be secured or locked into a fixed position
14	N/A	Removed condition requiring provision of luggage straps, freeing drivers to choose their own method of securing luggage and not tying them down to specific requirements relating to measurements etc
15	9	Condition regarding not allowing large packages to protrude from the vehicle or to obstruct any seats has not changed. However, have included definition of luggage compartment to condition for clarity (similar definition to that which is included on hackney carriage vehicle licence)
N/A	12	Amended condition to cover all doors which access luggage compartment, so that no luggage is in a position where it can fall out of the vehicle
Additional conditions for mini-buses, MPVs and 'stretch' limousines		
1	N/A	This is already policy and does not need to be included as a separate condition
2	N/A	Removed mention of age limits on vehicles, as our policy is that there are no age limits applicable to private hire vehicles
3	N/A	Removed reference to vehicles carrying swivel cushions. This policy has not been applicable to new vehicles since February 2010
4	N/A	This is already policy and does not need to be included as a separate condition
7	14	Amended condition so that vehicles will be licensed to carry the number of passengers as permitted by the logbook. Also confirms that any changes to permitted numbers must be notified to the licensing authority, to allow the licence to be updated as and when required

The following policy requirements and private hire vehicle licence conditions are proposed. Where existing policies or conditions have been amended, or where new policy requirements or conditions have been proposed, such changes are highlighted by **bold text**



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
POLICY REQUIREMENTS FOR PRIVATE HIRE VEHICLE LICENCES**

1. No age limits are applied by the Council to private hire vehicles with the exception of 'stretch' limousines.
2. No 'stretch' limousine will be licensed for more than six months at a time, and no licence will be issued for such a vehicle that is more than ten years of age.

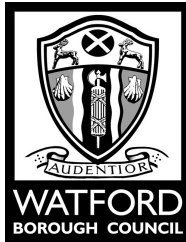
Applications to licence any limousine which has been converted must be accompanied by an appropriate Type Approval Certificate.
3. No livery requirements are applied by the Council to private hire vehicles, other than the conditions relating to door signs and licence plates.
4. The Council is unable to licence vehicles that carry more than eight passengers and a driver. The general expectation is that vehicles will be a saloon, hatchback, estate, multi-purpose vehicle, mini-bus, or 'stretch' limousine with at least four doors. **Applications for any converted vehicles must be accompanied by an appropriate Type Approval Certificate. Any other vehicle will be subject to inspection on a case-by-case basis.**
5. **Left-hand drive vehicles will not be considered as suitable for licensing on safety grounds as they will generally require front-seat passengers to step into the roadway to enter or exit the vehicle.**
6. **The maximum number of passengers which the vehicle will be licensed to carry will be the number of seats recorded on the V5C registration certificate (logbook) as being suitable for carrying passengers**
7. Vehicles will not be licensed unless
 - (1) there is in force a current insurance policy compliant with the Road Traffic Act 1988;
 - (2) a valid MOT certificate is in force (issued within the previous 30 days), **regardless of the age of the vehicle;**
 - (3) that officers are satisfied the vehicle is **or will be** registered with the Driver and Vehicle Licensing Agency;

- (4) the vehicle is taxed at the time of licensing (unless the vehicle is exempt from taxation); and
 - (5) **that an appropriate type-approval certificate has been issued where necessary.**
8. When vehicles are presented for inspection, the exterior of the vehicle (including the underside of the vehicle) and interior must be in a suitable clean condition to allow for proper inspection of these areas. If the vehicle is presented in such a condition to prevent a full inspection, the inspection will not be carried out.
 9. Vehicle plates must be securely mounted on a bracket which is permanently affixed to the rear of the vehicle. The bracket must be clearly seen and must not obscure any rear lights or the vehicle index plate.

The detachable plate slip which is issued once a vehicle is licensed must be permanently affixed in a position where it can be clearly seen by rear and front seat passengers.

Vehicles to be used under a chauffeur operators licence will have a licence disc fitted to the inside of the front windscreen, and do not have to display a plate on the rear of the vehicle.

10. Where a taximeter is fitted, it must be fitted securely. The meter must be visible from the rear passenger seats, and must not interfere with the safe operation of the vehicle.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 STANDARD CONDITIONS FOR PRIVATE HIRE VEHICLE LICENCES

Within these conditions:

“Council” means Watford Borough Council and its officers

“You” means the person to whom the licence is granted.

1. Plates

The plates (provided by the Council and which remain the property of the Council) identifying the vehicle as a private hire vehicle in respect of which this licence has been granted must be affixed to the vehicle in such manner and position as shall be prescribed by the Council’s inspecting Officer.

2. Vehicle Condition

(1) **You must keep the exterior of the bodywork in a suitable and clean condition at all times such that road dirt, mud or other detritus does not excessively obscure any paintwork, lights, windows, licence plates or number plates.**

(2) **You must maintain the vehicle in a manner satisfactory for public service at all times, without evidence of corrosion, damage, unsatisfactory repairs and/or unsatisfactory modifications.**

(3) **You must keep the interior of the vehicle in a suitable and clean condition at all times without accumulations of dust, dirt, litter, general debris, cigarette ash, staining, excessive unpleasant odours or excessive wear.**

(4) **You must ensure that seat cushions and back rests are adequately maintained in good condition and offer proper support to passengers.**

3. Advertisement Signs

(1) You may only display the following window stickers or signs providing those do not encroach more than 40 mm into the area swept by the windscreen wipers or obscure vision through the windows:

(a) the Council’s official plate

(b) **an authorised parking permit**

- (c) **membership of a recognised motoring organization or private hire association**
 - (d) **disability awareness signs**
- (2) You may display a tinted windscreen strip on the upper part of the windscreen and may include the operator name (but may not contain the words "Taxi" or "Cab") and telephone number, providing such signage does not encroach more than 40 mm into the area swept by the windscreen wipers. An identical sign bearing the same words and of the same dimensions may also be displayed in the same position in the rear windscreen providing that adequate rear view vision is maintained;
- (3) You must permanently apply door signs (of such dimensions and colours as may from time to time be approved by the Council) to the driver and front passenger door of such dimensions and colours which must bear the words "Private Hire - Advance Bookings Only"; the operator's name and/or telephone number, but may not contain the words "Taxi" or "Cab".
- (a) Where an Exemption Certificate has been issued for the vehicle by the Council, a magnetic sign may be applied instead to the driver's and front passenger door providing that it meets the requirements stated in paragraph 1(c) and in addition contains in prominent figures the number of the vehicle plate issued to that vehicle. The magnetic signs must be displayed on the vehicle whilst it is being used for Non-Contract Work and may be removed whilst being used for Contract Work.
 - (b) Within this condition:

Contract Work means journeys undertaken for hire or reward as part of a regular course of business with a particular client or customer as determined to the satisfaction of the Council's officers;

Non-Contract Work means all other journeys for hire or reward including those conducted for the purposes of conveying children to or from any school or educational establishment.
- (4) **You must display at least one "No Smoking" sign on at least one near-side and one off-side window to be clearly visible to passengers before entering the vehicle.**

4. Tyres

You must ensure that the vehicle has, at all times, appropriate equipment and/or tools to repair or replace a punctured or damaged tyre.

5. Meters

No taximeter or other device for measuring fares and/or distance may be used unless of a type and secured in a position approved by the Council's officers .

6. Non Factory Fitted Equipment

(1) **You may not use non-factory fitted equipment (for example, radios, PDAs, sat-nav systems) unless they are installed in positions approved by the Council's officers.**

(2) **You must notify the Council before installing any non-factory fitted equipment so that the equipment and proposed position may be tested in relation to passenger and driver safety and comfort. The vehicle must not be used as a private hire vehicle before the equipment and position have been approved by the Council.**

7. Fire Extinguisher

You must ensure a suitable and efficient fire extinguisher is fitted and kept maintained in the vehicle.

8. Driver identification

You must make sure that there shall be displayed so that it is visible from the rear seat on the dashboard of the vehicle, whilst it is available and used for hire, an identity style badge as provided by, and which shall remain the property of, the Council, which shall have incorporated within it a photograph of your face and your badge number.

9. Receipts

You shall ensure that the driver of the vehicle offers to each passenger (or, if there are more than one passengers, at least one of those passengers) at the termination of their journey a receipt which shall contain at the least the following information:

(1) the date

(2) the fare for that journey

(3) the number of the badge issued by the Council to that driver

(4) other information that may be specified in writing to you by Council officers.

10. Luggage

You shall provide means for securing luggage if the vehicle is so constructed as to carry luggage

11. Large Packages

You must not allow any packages or other luggage etc to protrude from the

luggage compartment over any of the seats which may be occupied, or outside the vehicle.

For the purposes of this licence, 'luggage compartment' means the space behind the rear seats, or when the furthestmost rear seats are folded down, the space to the rear of the next complete row of seats. In mini-buses, the luggage compartment may be the front footwell on the passenger side provided that any seat in this location is not occupied by a passenger.

12. Tail Gate or Rear Doors

All doors which allow access to the luggage compartment (eg a tail gate, boot, or rear doors) must be locked shut when the vehicle is in motion.

13. First Aid Kit

(1) **You must ensure that a First Aid Kit, meeting the requirements of the Health and Safety (First-Aid) Regulations 1981 (or any regulations which amend or supersede the 1981 regulations) is carried in a secure position at all times.**

(2) **The registration mark of the vehicle shall be permanently and legibly written on the First Aid Kit.**

14. Vehicle modifications

You must request in writing the Council's consent, and obtain such consent, before making any modification to the vehicle, including its seating capacity.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
EXISTING STANDARD CONDITIONS FOR PRIVATE HIRE VEHICLE LICENCE

1. Plates

The plates (provided by the Council and which remain the property of the Council) identifying the vehicle as a private hire vehicle in respect of which this licence has been granted must be affixed to the vehicle in such manner and position as shall be prescribed by the Council's inspecting Officer.

2. Colours of Vehicle

The vehicle must not be painted white with a black bonnet and black boot.

3. Advertisement Signs

(1) No advertisement sign of any nature may be displayed on the vehicle other than:

(a) the Council's official plate;

(b) a tinted windscreen strip MAY be mounted on the upper part of the windscreen and may include the operator name (but may not contain the words "Taxi" or "Cab") and telephone number, providing such signage does not encroach more than 40 mm into the area swept by the windscreen wipers. An identical sign bearing the same words and of the same dimensions may also be displayed in the same position in the rear windscreen providing that adequate rear view vision is maintained; and

(c) door signs MUST be permanently applied to the driver's and front passenger door of such dimensions and colours as may from time to time be approved by the Council; must bear the words "Private Hire - Advance Bookings Only"; the operator's name and/or telephone number, but may not contain the words "Taxi" or "Cab".

(2) Where an Exemption Certificate has been issued for the vehicle by the Council, a magnetic sign may be applied instead to the driver's and front passenger door providing that it meets the requirements stated in paragraph 1(c) and in addition contains in prominent figures the number of the vehicle plate issued to that vehicle. The magnetic signs must be displayed on the vehicle whilst it is being used for Non-Contract Work and may be removed whilst being used for Contract Work.

(3) Within this condition:

Contract Work means journeys undertaken for hire or reward as part of a regular course of business with a particular client or customer as determined to the satisfaction of the Head of Community & Customer Services;

Non-Contract Work means all other journeys for hire or reward including those conducted for the purposes of conveying children to or from any school or educational establishment.

4. External Mirrors

Either two wing mirrors or two door mirrors must be fitted one on each side of the vehicle to afford the driver adequate vision to the rear. Extra mirrors may be fitted if desired, but these must not interfere with the clear vision of the driver in the wing or door mirrors.

5. Tyres And Wheels
The vehicle must be fitted with all radial or all cross-ply tyres. All wheels in contact with the road must be of the same type, except where a spare wheel is used in an emergency only.

A spare wheel must always be carried, and the spare wheel and tyre must be the same as originally supplied with the vehicle and used only in accordance with the car manufacturer's instructions.
6. Meters
Any taxi meter or other device for recording fares and/or mileage must be of a type approved by the Council and must be fitted in such a position and manner as shall be prescribed by the Council's inspecting Officer.
7. Two-way Radio Equipment
Before two-way radio equipment is installed in the vehicle, the Head of Environment, Health and Licensing must be notified so that the equipment and proposed position may be tested in relation to passenger and driver safety and comfort. The vehicle must not be used as a private hire vehicle before the equipment and position have been approved by the Council's inspecting officer.
8. Fire Extinguisher
An efficient fire extinguisher must be fitted and maintained in the vehicle.
9. Lead-Free Petrol
The vehicle if driven by a petrol engine shall be capable of operating on lead-free petrol.
10. Identity Badge
There shall be displayed so that it is visible from the rear seat on the dashboard of the vehicle, whilst it is available and used for hire, and identity style badge as provided by, and which shall remain the property of, the Council, which shall be incorporated in it a photograph of the driver's face and the driver's badge number.
11. Receipts
The holder of this licence shall ensure that the driver of the vehicle offers to each passenger (or, if there are more than one passengers, at least one of those passengers) at the termination of their journey a receipt which shall contain at the least the following information:
 - (1) the date
 - (2) the fare for that journey
 - (3) the number of the badge issued by Watford Borough Council to that driver
 - (4) other information that may be specified in writing to the licence-holder by Council officers.

EXTRA CONDITIONS RELATING TO ESTATE CARS

12. **Rear Seats**

The rear seats if the vehicle must be securely fixed or folded down.

13. **Luggage Compartment**

'Luggage compartment' means the space at the rear of the rear seats or, when the rear seats are folded down, the space to the rear of the front seats.

14. **Luggage Straps**

- (a) (i) At least three pairs of brackets (sufficient width to take 1" wide straps) for luggage straps must be provided, secured firmly either to the base or to the frame sides of the vehicle, one pair immediately behind the rear seats, one pair centrally placed at the sides, and one pair next to the tail gate or rear door.
- (ii) At least three strong flexible straps of webbing or leather not less than 1" wide and of a length not less than 1 and half times the width of the luggage compartment must be provided.
- (iii) All luggage must be firmly secured by means of the said brackets.
- (b) A dog guard (a grill) may be securely fitted behind the rearmost seat as an alternative to 11(a) above.

15. **Large Packages**

No package shall be allowed to protrude from the luggage compartment over any of the seats which may be occupied or outside the vehicle.

Additional conditions approved by the Environmental Health and Licensing Committee on 3 October 2001 and amended by the Licensing Committee on 5 July 2010 for the licensing of mini-buses, multi-purpose vehicles and 'stretch' limousines:

- 1 the Council's standard requirements for licensed vehicles are met, apart from the requirement that private hire vehicles must have at least four doors;
- 2 no mini-bus may be older than 3 years old or multi-purpose vehicle older than 4 years at the date of first being licensed;
- 3 wherever possible, vehicles must be fitted with a swivel-seat or other aids for disabled customers;
- 4 vehicles with unusual features, such as tail-gate lifts or hoists, will be examined on a case-by-case basis;
- 5 no 'stretch' limousine will be licensed for more than six months at a time, and no licence will be issued for such a vehicle that is more than ten years of age;
- 6 vehicles with completely tinted windows will not be licensed;
- 7 For vehicles first licensed after 1 August 2010:
 - (1) There shall be sufficient room between the seats to allow adequate room for the movement of passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and there shall be 180 mm from the back of the front seat to the front of the rear seat when the front seat is fully pushed back
 - (2) The arrangements of the seats shall be such that no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle.
 - (3) If the seating arrangement does not allow free access to and from the vehicle then in the interests of public safety and comfort the Council will require as many seats as may be necessary to be removed or to licence a vehicle to carry fewer passengers than it has seats.