



LICENSING COMMITTEE

Monday, 23rd November, 2015

**At the rising of the extraordinary
Council meeting**

Town Hall, Watford

Publication date: 13 November 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 Ian Smith/Alan Garside in Democracy and Governance on 01923 278376 or by email to legalanddemocratic@watford.gov.uk .

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COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor K Crout (Vice-Chair)

Councillors S Bolton, I Brown, J Connal, G Derbyshire, F Ewudo, M Haley, K Hastrick, M Hofman, M Mills, T Rogers, S Silver, M Watkin 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 14 September 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. **REVIEW OF HACKNEY CARRIAGE VEHICLE LIMITATION POLICY** (Pages 5 - 20)

Report of the Head of Communities and Customer Services.

5. **PRIVATE HIRE (CHAUFFEUR) LICENCES** (Pages 21 - 40)

Report of the Head of Community and Customer Services.

6. **FURTHER AMENDMENTS TO CHARITY STREET COLLECTION POLICY** (Pages 41 - 48)

Report of the Head of Community and Customer Services.

PART A

Report to: Licensing Committee
Date of meeting: 23 November 2015
Report of: Head of Community and Customer Services
Title: Review of Hackney Carriage Vehicle Limitation Policy

1.0 SUMMARY

- 1.1 The Council is responsible for licensing hackney carriages in the interests of public safety to ply for hire within the Borough and carry passengers for hire. The Council currently exercises its discretion to limit the number of licences for hackney carriage vehicles that are granted. This paper reviews that policy to allow the Committee to decide whether it ought to be continued.

2.0 RECOMMENDATIONS

- 2.1 That the current policy be continued of
- (1) restricting the number of hackney carriage vehicle licences that are granted to 305 licences, subject to
 - (i) any licences that are surrendered or revoked (other than for administrative reasons) not being re-issued and
 - (ii) the Head of Customer and Community Services in consultation with the Chair of the Licensing Committee determining any individual applications for hackney carriage vehicle licences appearing on its merits to be outside of the policy of granting new licences.
- 2.2 That officers report on the policy to the Licensing Committee every two years in the absence of any survey of significant unmet demand or significant legislative change.

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension: 8429, email: jeffrey.leib@watford.gov.uk.

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

3.0 **DETAILED PROPOSAL**

3.1 **Legal basis to powers**

The council has powers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to grant (and suspend or revoke) licences for vehicles to ply for hire within the Borough and to carry passengers for hire and reward. The council has a broad discretion in setting the standards and conditions in order to obtain and keep a licence.

3.2 The council also grants licences for hackney carriage drivers and for private hire operators, vehicles and drivers.

3.3 The council has a discretionary power under section 16 of the Transport Act 1985 to limit the number of hackney carriage vehicle licences (HCVLs) where it appears there is no significant unmet demand (SUD) for hackney carriages.

3.4 The Court of Appeal has held¹ that section 16 works in the following way:

- (a) the local authority must be satisfied there is no significant demand for taxi services that is unmet within its area before applications for vehicle licences can be refused. Demand for existing taxi services and those fulfilled by other means may be considered, and demands across the whole borough can be taken into account;
- (b) the local authority has a discretion (not a duty) to refuse to grant further applications if it is satisfied there is no SUD;
- (c) if the local authority are not so satisfied, they cannot refuse to grant a licence in order to limit the number of hackney carriages and must grant applications.

3.5 SUD is typically defined as when passengers have to wait for a hackney carriage at a taxi rank for more than 10 minutes. SUD within an area is typically assessed by means of independent triennial surveys conducted on behalf of the local authority.

3.6 The power under section 16 only applies to HCVLs, and not to the other licences mentioned above.

3.7 **Policy history**

The council's current policy is to limit the number of HCVLs, although additional licences may be granted by the Head of Community and Customer Services in consultation with the Chair of the Licensing Committee where there is a genuine exception to the policy – for example, an applicant who proposes providing a different service or type of vehicle than currently being provided. The policy is on a reducing basis, in that any licences that are surrendered or revoked (other than for administrative reasons) are not re-granted at a later date.

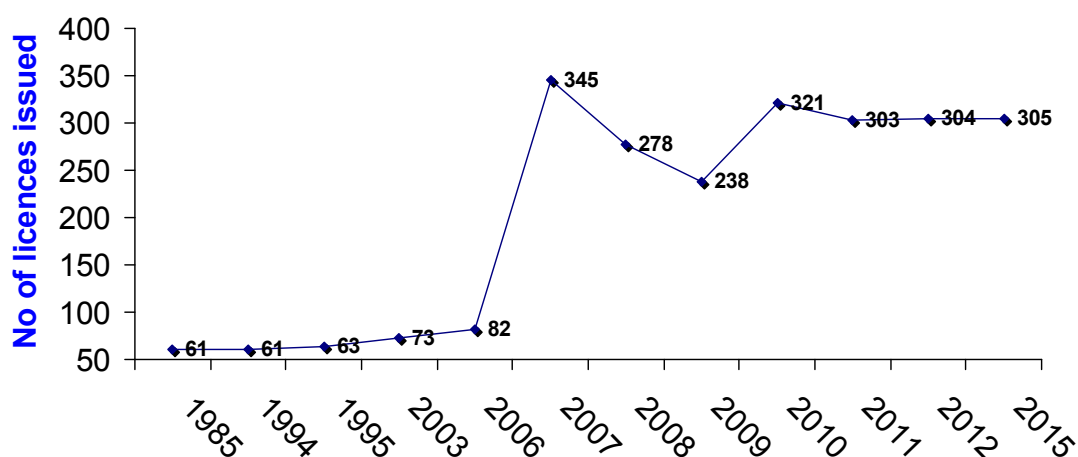
3.8 The chronology below illustrates how the current policy has evolved over the past thirty years:

¹ R (on the application of Maud) v Castle Point Borough Council [2002] EWCA Civ 1526

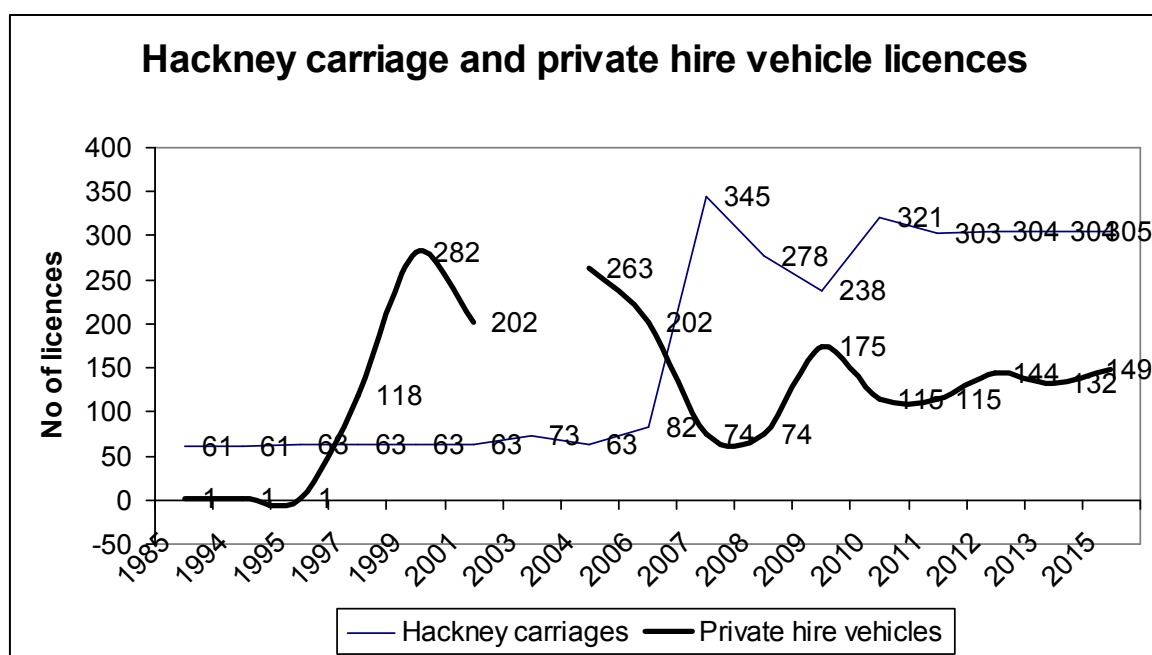
1985	First limits believed to be imposed of 65 HCVLs following introduction of Transport Act 1985
1988	First survey of “peak demand” conducted by local college
1995	Additional two HCVLs granted specifically for wheelchair-accessible (London-style) taxis
2001	Survey identified SUD and also <i>inappropriately met demand</i> (that is, services being met by unlicensed vehicles, those licensed by other councils, and by private hire vehicles). Recommended a taxi quality partnership to explore issuing further HCVLs to address the difference
2003	Limited growth policy introduced of ten new licences (making a total of 73 HCVLs). Managed growth policy of 12 additional HCVLs over following two years proposed but not implemented
2005	Consultation conducted on removing limit following appeal to Crown Court by 73 private hire vehicle owners, and changes to services implemented at Watford Junction
2006	Licensing Committee resolved to remove HCVL limit
2010	Delimited policy confirmed to stay in force by Licensing Committee
2011	Further SUD policy commissioned and conducted
2012	Limitation policy imposed and capped at 304 HCVLs (the number in force at the date of the decision)
2015	One additional HCVL granted to enable an electric HCV to be licensed on a trial basis Policy review and report to Licensing Committee

3.9 The chart below demonstrates the numbers of HCVLs granted:

Hackney carriage numbers since 1985



- 3.10 The chart below compares the approximate numbers of private hire vehicles to hackney carriages, although numbers prior to 1995 are not available and are represented as zero, nor are the figures for 2003:



- 3.11 The 2011 SUD study (which was considered by the Committee on 19 March 2012) concluded that:

- (a) there was no evidence of any SUD;
- (b) there appeared to be a large over-supply of HCVs
- (c) there is demand for formal taxi ranks in the High Street
- (d) there is an urgent need to resolve over-ranking issues in the High Street and around Watford Junction station

- (e) recent trade requests for policy changes by the council had encouraged increased vehicle numbers while passenger demand was reducing
- (f) customer service had reduced whilst drivers focused on making a living
- (g) public and corporate support for licensed vehicle services was being lost
- (h) there appeared to a third more vehicles than was actually required taking into account the fleet size, average distances, population to vehicle ratio etc.

3.12 **Policy for Watford**

Officers do not believe that the evidence base justifying the policy decision in 2011 has significantly changed to the extent that a change in policy is now warranted. In particular, the Committee might wish to take into account

- (a) the lack of complaints about non-availability of taxis at any time in any part of the Borough, which was a feature prior to 2011;
- (b) that the number of HCVLs has not reduced in any way and that the number of private hire vehicles has increased but has now stabilised. Perhaps equally significant is that the number of enquiries about applying for HCVLs over the past three years is, in officers' experience, considerably less than in previous years;
- (b) the numerous complaints made about the over-supply of taxis at locations such as Shady Lane, Clarendon Road, Watford Junction, and the High Street;
- (c) the continuing demand for more taxi ranks in the High Street and town centre;
- (d) customer service is still a matter of concern, as evidenced in the disabilities mystery shopping exercise recently reported to the Committee.

3.13 It is now quite established that an independent survey is required to justify the existence of SUD and consequently the refusal of applications for more HCVLs. Surveys can typically take at least three to four months to commission and complete at a cost of at least £15,000 (for which there is no identified budget) although this is dependent on the specification set out.

3.14 Officers do not believe the situation on the ground has changed significantly since the last survey from the consumer's point of view. There has been an increase in PHVLs, and some of those applicants may indeed be people who would have liked an HCVL if the opportunity were available to do so. However it is reasonable to conclude that passengers at taxi ranks are being provided with a good supply of taxis (characterised by the lack of complaints about availability) and that is the real test.

3.15 It is also reasonable to assume that the increase in PHVs ensures that private hire bookings can be adequately fulfilled (again evidenced by the lack of complaints about waiting times or non-availability of PHVs). Although this is irrelevant in one sense to the issue of SUD, the Committee needs to be satisfied that any latent demand (or demand picked up by non-hackney carriages) is taken into account. The increase in Watford follows a national increase of 17.5% in PHV-only drivers since 2013, although there has also been a decline in HCV-only licences nationally of 1.3%² which may

represent a shift away from hailing at ranks in favour of bookings via smartphone apps and new technology.

3.16 **Government policy**

It is up to each local authority to decide its own policy, and current government advice is set out in the Department for Transport's Best Practice Guide (2010)³ and the relevant aspects are summarised below:

- (a) the government recommends the best course is for a delimited market;
- (b) the issue should be approached from the point of view of the consumer, and what the benefits or disadvantages would be to them of having controls on the numbers of licences;
- (c) where limits are in place, surveys should ideally take place triennially;
- (d) the hackney carriage trade should not pay for SUD surveys in order to maintain its impartiality.

3.17 The Best Practice Guide is currently being revised. The Law Commission, in its' separate report on taxi and private hire licensing⁴, has suggested that the right of local authorities to impose quantity restrictions should be maintained in any future reform legislation, contrary to the view of the previous Labour government.

3.18 Response to current Best Practice Guide

The relevant part of the Guide is reproduced at the appendix, including responses to the questions posed at annex A. In response to the specific questions that are asked, the Committee is invited to consider the following:

(1) the best course is for a delimited market

Watford experienced a delimited market between 2006 and 2012, during which time the number of HCVs increased from 82 to 304 and the number of PHVs dropped significantly over that period before climbing to more than before the limit was removed. Extreme pressure on ranks and other kerb-side space has resulted since, with significant officer time and resources devoted to identifying a sustainable solution although there is no duty to provide any ranks at all.

Maximum taxi fares within the Borough are regulated by the council and whilst drivers can choose to charge less than the tariff, officers are not aware of this being common practice or used as a marketing tool and so increased competition does not affect the price of the service at a purely local level; nor are officers aware of significant competition between HCVL owners over unregulated fares being provided to out-of-the-Borough destinations.

The council can take account of the commercial impact of removing the limit, although the courts have held that commercial implications cannot be the only reason to be

² National Taxi Statistics, (Department for Transport, 2015)

³ Taxi and Private Hire Vehicle Licensing: Best Practise Guidance (Department for Transport, 2010)
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

⁴ Taxi and Private Hire Services, (Law Commission, 2015)
http://www.lawcom.gov.uk/wp-content/uploads/2015/03/lc347_taxi-and-private-hire-services.pdf

taken into account⁵. A restricted market clearly has advantages for those who already hold licences, and a clearly saturated market locally is highly unlikely to benefit from even more competition.

(2) the issue should be approached by considering the advantages and disadvantages from the consumer's point of view

Historically, before delimitation occurred in 2006, officers would receive complaints about a lack of HCVs, particularly on Fridays, from Rickmansworth Road rank late at night, and during certain religious and holiday periods throughout the year and it was clear that demand at that point exceeded supply. It has been some considerable time since similar complaints have been made, and officers are confident supply now exceeds demand throughout the majority of the week and from the majority of locations. Few complaints are made about inappropriately met demand either, such as PHVs being used instead of HCVs, or unlicensed and/or out-of-Borough vehicles being hired instead. The safety and supply for consumers who wish to use HCVs is adequately catered for in officers' judgement.

It may be that, when the major infrastructure projects in the Borough are completed over the coming years an argument will be made out then for more HCVLs to be granted.

(3) where limits are in place, surveys should ideally take place triennially

There is no hard-and-fast rule requiring this, and there are financial implications of around £15,000 and resource implications in commissioning a survey at this moment in time. Conversely, there are also potential risks in defending appeals (to the crown court) against the refusal to grant an HCVL should an application be made.

(4) the hackney carriage trade should not pay for SUD surveys in order to maintain its impartiality

Officers would concur that the trade should not directly contribute to a survey, but see no reason why they ought not contribute to the cost of future surveys where an element for this is legitimately added to the general licence fee to aid with the administration of the HCVL regime. The previous survey was paid from the LAGBI Fund and a proposal to add a licence fee supplement for future SUD surveys has not been implemented.

3.19 Regulators' Code

In determining any general policy of principles the council is required to take into account and give due regard to the Regulators' Code, issued under the Legislative and Regulatory Reform Act 2006, which came into force in April 2014. The predecessor to the Code (the Regulators' Compliance Code) was considered when the current policy was implemented.

3.20 The Code does not need to be taken into account if the council properly concludes that the provision is not relevant or outweighed by another relevant provision which is reasoned and based on material evidence.

3.21 The relevant Code test that might be said to apply is set out below with officers' comments:

⁵ *R v Council of the City and District of St Albans (2000) QBD 2000 WL 558* and *R (on the application of Nemeth) v West Berkshire District Council (2000) WL 3312*

Regulators should carry out their activities in a way that supports those they regulate to comply and grow

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities
- minimising the costs of compliance for those they regulate
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.

Comment:

This report is not proposing to impose any further regulatory burdens in simply maintaining an existing policy although it is conceivably a regulatory burden prohibiting others from entering the trade in Watford. However, it is considered to be a proportionate (and ultimately legal) response when taking into account the other relevant factors outlined in the report.

- 3.22 The Committee may decide that, in terms of risk and potential challenge, a survey ought to be commissioned to be entirely satisfied that there is currently no SUD. Alternatively, against the background of a review of the DfT Best Practice Guide and the (admittedly faint) prospect of new legislation being introduced by the government, the Committee may decide to maintain a watching brief at present and for officers to report back at 18-month intervals on the situation at hand, or clearly sooner if there is a pressing need to do so.
- 3.23 The officers' view has been informally agreed with by the author of the last SUD study, who has conducted 100 studies nationally, and who has been able to reacquaint himself earlier this year with the local picture whilst advising on the disabilities mystery shopping exercise.

4.0 IMPLICATIONS

4.1 Financial

- 4.1.1 The Shared Director of Finance comments that there is no reserved budget for conducting SUD reviews. Although it would be legal for hackney carriage licence holders to contribute through their licence fees, this would equate to around £50 for each HCVL owner. The committee may decide to add a "premium" of around £16 per HCVL over each of the next three years to contribute towards a possible SUD survey in 2019 – 2020.

4.2 Legal Issues (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that there is no legal duty to conduct a SUD study or the prescribed form it should take although the courts have indicated several matters should routinely be considered within them. The study is the evidence that would be used by the council, if challenged in court, to justify why it refused to grant an HCVL on the grounds there was no significant unmet demand. Whilst the council needs to take into account various factors if deciding whether to impose or remove a limit, those are not relevant in order to maintain an existing policy. It is acceptable to defer making a decision whether to grant an application for a new HCVL in order to first undertake a survey if necessary⁶.

4.3 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Application for new HCVL <i>within</i> the current policy	1	2	2
Appeal against refusal of HCVL within current policy	1	2	2
Application for new HCVL outside the current policy	1	1	1
Appeal against refusal of new HCVL outside of current policy	1	2	2
New legislation changing policy within 18 months	1	1	1
<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>			

Appendices

None

Background Papers

As identified in the footnotes

File Reference

HCVL delimitation review

⁶ R v Middlesbrough Council, ex parte IJH Cameron (Holdings) Ltd [1992] COD 247.

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

The length of time that would-be customers have to wait at ranks. However, this alone is an inadequate indicator of demand; also taken into account should be...

Waiting times for street hailings and for telephone bookings. But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...

Latent demand, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.

Peaked demand. It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

Consultation. As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);

Publication. All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.

Financing of surveys. It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

Useful questions when assessing quantity controls of taxi licences

Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Yes – we don't believe that at this time there will be a benefit to consumers in increasing the number of hackney carriages

Questions relating to the policy of controlling numbers

Have you recently reviewed the need for your policy of quantity controls?

The policy was reviewed in 2012 and again in 2015.

What form did the review of your policy of quantity controls take?

A full SUD survey was undertaken in 2012 followed by an officer snap-shot of the current position in 2015.

Who was involved in the review?

Council officers only in 2015 but this was informed by the 2012 review that included an independent specialist company.

What decision was reached about retaining or removing quantity controls?

There has not been any significant changes in the local circumstances underpinning the 2012 policy to justify changing the current policy.

Are you satisfied that your policy justifies restricting entry to the trade?

Taxi use at key points in the town over the last few years, particularly around Market Place in the town centre and around Watford Junction, has shown a high demand for and abuse of rank space to the detriment of residents, businesses and other road users.

Are you satisfied that quantity controls do not:

- reduce the availability of taxis;
- increase waiting times for consumers;
- reduce choice and safety for consumers?

The quantity controls do not reduce availability of taxis, as the previous SUD clearly indicated an over-supply of taxis in the town and there were no waiting times for consumers – factors that have not changed. The council has not received any complaints either since 2012 about waiting times or the unavailability of taxis. Other council policies have led to the creation of a mixed fleet of varied vehicle types and models to provide choice and safety.

The policy is also sufficiently flexible to allow additional vehicles to be exceptionally added to fill any gaps in the market.

That special circumstances justify retention of quantity controls?

The overwhelming strain on the current rank system (particularly around Watford Junction) and the lack of complaints about availability, type of vehicle or other factors justify retaining the current controls.

How does your policy benefit consumers, particularly in remote rural areas?

The policy has not seen a reduction in taxi numbers and so consumers have been provided with the same range and choice of taxis as in previous years.

How does your policy benefit the trade?

The trade is able to benefit from being able to trade in the knowledge that it will not face significant local competition from more taxis.

If you have a local accessibility policy, how does this fit with restricting taxi licences?

There is not currently a local accessibility policy, although previous policies have resulted in a number of wheelchair accessible taxis being licensed. The council has recently conducted a mystery shopping exercise with passengers with disabilities and consequently established a disabilities working group with the trade and taxi user representatives.

Questions relating to setting the number of taxi licences

When last did you assess unmet demand?

In 2011/2012

How is your taxi limit assessed?

By independent SUD surveys and ad hoc reviews at intervals determined by the council as appropriate taking into account prevailing local circumstances at the time

Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?

There does not appear to be evidence of latent demand, eg no complaints from the public about unavailability of taxis either in particular parts of the Borough or at particular times; equally no complaints or evidence from the trade about inappropriately met demand and evidence of offences such as plying for hire disclosed during covert operations conducted by the council

Are you satisfied that your limit is set at the correct level?

The limit is higher than expected for the population levels (see the 2012 SUD survey) which partly explains the thinking behind a "reducing level" policy

How does the need for adequate taxi ranks affect your policy of quantity controls?

There is significant strain on the use of ranks and adjacent parking/waiting spaces by taxis and other vehicles and is therefore a significant factor in limiting the number of taxis at a time when there does not appear to be a need for more taxis.

Questions relating to consultation and other public transport service provision

When consulting, have you included etc

- all those working in the market;
- consumer and passenger (including disabled) groups;
- groups which represent those passengers with special needs;
- local interest groups, eg hospitals or visitor attractions;
- the police;
- a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?

No public consultation was conducted on this occasion. The council is aware that as the Department for Transport's Best Practise Guide is currently being reviewed it wishes to review its' own position in 18 – 24 months time when more positive engagement is likely to occur then.

Do you receive representations about taxi availability?

The council has not received any representations about taxi availability for at least the last three years.

What is the level of service currently available to consumers (including other public transport modes)?

This is largely outside the remit of the Licensing Committee as it involves other transport providers that are outside the scope, influence or control of the council.

PART A

Report to: Licensing Committee
Date of meeting: 23 November 2015
Report of: Head of Community and Customer Services
Title: Private Hire (Chauffeur) Licences

1.0 SUMMARY

- 1.1 The Council issues licences for private hire operators, drivers and vehicles to carry passengers for hire and reward. The council has a broad discretion in exercising this function and has established criteria for obtaining and maintaining each of those three types of licence. In doing so it has established separate criteria for “chauffeur” licences that officers no longer feel are necessary or suitable.

2.0 RECOMMENDATIONS

- 2.1 That no new applications for “chauffeur” operator, vehicle or driver licence applications be accepted with immediate effect.
- 2.2 That before 31st January 2016:
- (1) existing licences for “chauffeur” operators, drivers and vehicles be revoked and;
 - (2) immediately replaced with the equivalent private hire licence for the duration of the previous licence at no additional charge, providing the licensee fulfils all the requirements to hold that licence as if they were existing licensees.
- 2.3 That the ability to grant an exemption to the requirement to display a plate on the rear of a private hire vehicle be introduced.

This exemption can only be authorised by the Licensing Manager or Section Head, applies to individual vehicles only and will be required to be renewed at least annually with the associated private hire vehicle licence application. The licensee will need to demonstrate the need for the exemption on the grounds of business necessity and that it will have no impact on public safety.

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension 8746 email: jeffrey.leib@watford.gov.uk

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

3.0 DETAILED PROPOSAL

- 3.1 The council licenses private hire (PH) operators, vehicles and drivers under part II of the Local Government (Miscellaneous Provisions) Act 1976. Licences are only issued to applicants who meet the legal requirements set out in the Act and who can meet the conditions set out by the Licensing Committee. Appendix 1 sets out the current conditions for PH operator, vehicle and driver licensing.
- 3.2 Historically, some firms argued that because they typically carried VIP passengers such as diplomats and film actors that they should be entitled to greater discretion than normal PHs working on a circuit doing cash or account work. In recognition of the business argument the council introduced a separate system of chauffeur licensing in 2001 with slightly different criteria to other PH licences. Appendix 2 sets out the conditions for PH chauffeur operator, vehicle and driver licensing.
- 3.3 The key differences between PH licensing and chauffeur licensing are:

	<i>PH licensing</i>	<i>Chauffeur licensing</i>
<i>Driving qualifications</i>	Applicants must pass the Driver and Vehicle Standards Agency driving test for PH drivers	Applicants are exempt from the DVSA test if they possess some form of advanced driving qualification
<i>Knowledge test</i>	Applicants must pass our Knowledge Test before being granted a driver's licence	Applicants do not need to take the Knowledge Test (but see paragraph 3.6(3) below)
<i>Licence plates on vehicles</i>	A private hire vehicle licence plate must be clearly displayed on the front windscreen and on the rear of the vehicle	A private hire vehicle licence plate must be clearly displayed on the front windscreen only
<i>Door signs</i>	Door signs must be displayed showing the PH operator's details unless we have granted the vehicle a temporary contract exemption	No door signs can be displayed
<i>Operator conditions</i>	Records of journeys	Operators must submit a

	undertaken are to be retained for six months and we may inspect them at any reasonable time	copy of their booking records (or a summary of them) by the 10 th day of each month
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- 3.4 Both types of licence are in all other respects the same in terms of criminal and medical checks, licence conditions, enforcement criteria and fees.
- 3.5 At present around 130 PH vehicles (and drivers) and fifteen PH operators are licensed. In contrast, there are eleven chauffeur drivers, (six of whom have been licensed in the past year), eleven chauffeur vehicles, and four chauffeur operators currently licensed.
- 3.6 We no longer think that the distinction between chauffeur and other PH licensing is either necessary or justifiable for a number of reasons:
- (1) Whilst the work is principally the same whether it is chauffeur or private hire, there are an increasing number of drivers who are working in both services and so the distinction is for the majority of drivers and vehicles not clear;
 - (2) there is confusion and lack of clarity around the distinction between chauffeur and private hire work. This may lead to risks to public safety from vehicles not being readily identifiable, or drivers not being suitably trained.
 - (3) officers believe the near-50% increase in chauffeur driver applications over the last year may reflect attempts to avoid having to take the knowledge test. On 14 September 2015 the Licensing Committee agreed to change the policy so that all applicants for driver licences now have to take the Knowledge Test whilst these policy changes were developed and consulted on.
 - (4) the Committee has also recently agreed to revamp the knowledge test. From December 2015 it will no longer just be a written test. Officers have identified the need for all drivers to have a greater awareness of the risks within our community and the ability to assist passengers with disabilities. Applicants now will attend a full-day's training course which will include customer service, driver safety, driver rules and regulations, risks to be alert to within the community and how to report these as well as disability awareness training from an expert provider.
 - (5) from October 2015 PH businesses are able to sub-contract their work to licensed PH operators in other council areas under the Deregulation Act 2015 (it was unlawful for them to do so before then). It is important that any business licensed by the council that carries out sub-contracted work ought to be readily identifiable and that the drivers are appropriately trained
 - (6) there is a small additional administrative burden in administering two schemes.
- 3.7 Officers therefore propose to abolish the distinction between the two types of licence schemes and have one for all PH work.
- 3.8 Officers propose to introduce the following arrangements in order to bring the two schemes into alignment:

(1) chauffeur vehicle licences will be revoked by 31st January 2016 and a private hire vehicle licence immediately reissued without cost as long as the vehicle meets the new criteria (in respect of door signs and plates). It will expire on the same date as the previous (revoked) licence. In suitable cases vehicles can be granted an exemption from having to display permanent door signs in line with existing strict policy.

(2) It is proposed that an ability to be granted an exemption to displaying a plate on the rear of the vehicle be introduced for private hire vehicles. An exemption will only be granted at the discretion of the Licensing Manager or Section Head. It will apply to individual vehicles only, and will be on the grounds that the licence holder demonstrates the business need and that this does not impact on public safety. The exemption will need to be renewed at least annually with the associated private hire vehicle licence application..

(2) chauffeur driver licences will be revoked by 31st January 2016 and a private hire drivers' licence immediately reissued without cost. This will expire on the same date as the previous (revoked) licence.

(3) existing chauffeur driver licence holders will not be required to retrospectively take the knowledge test. They will however continue to be required to attend the Professional Skills Update Course as part of their licence renewal criteria; this refreshes drivers in the same topics as the knowledge test training day. Those drivers that have not yet attended this, i.e. those that have only recently been licensed, will be required to attend this or the knowledge test (they will not be required to sit the test) within 3 months of 24th November 2015.

(4) all chauffeur operator licences will be revoked by 31st January 2016 and a private hire operator licence will be immediately re-issued expiring on the same date as the previous (revoked) licence. The only change in conditions relates to record keeping, and the new licence stops the requirement to submit monthly booking records.

(5) No applications for chauffeurs, drivers, vehicles or operators will be accepted after 24th November 2015, all applications will have to meet the current requirements for PH operator, driver and vehicle licences.

3.9 Officers do not believe there will be any significant financial implications to businesses following these proposals. Although future applicants for driver licences will have to pay to attend the Knowledge Test, this is not unreasonable when compared to entry to many other trades and professions and given the service being provided the training is considered essential. Training courses will be provided on at least a monthly basis and so there should be little or no delay in being able to accommodate applicants.

3.10 Consultations

Officers sent a consultation document to existing chauffeur licence holders on 2 October 2015, inviting comments by 2 November 2015. Only two email responses have been received, both of which were supportive of the proposals.

3.11 Officers have taken into account the argument that this recommendation will benefit existing chauffeur drivers who will gain private hire licences without the benefit of a Knowledge Test. That argument is accepted but the impact is minimal given that there

are only 11 chauffeur drivers currently licensed and the scheme is stopping. Any complaints regarding service will be dealt with the drivers are being required to attend training in the same way new applicants are.

3.12 Regulators' Code

The Council is required to take account of the statutory Regulators' Code when devising and developing policy. In this scenario officers would argue that the changes are very limited and in any analysis any additional burdens imposed on existing chauffeur licence holders are no more than those imposed on private hire licence holders. In addition, removing the requirement for monthly reporting of booking reduces the regulatory burden.

4.0 **IMPLICATIONS**

4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that there are no financial implications as the licence fees for the three licence fee categories are the same.

4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that no legal issues have been identified. There is a power to revoke licences "for any reasonable cause" and no prejudice will be caused to chauffeur licence holders who will be immediately granted private hire licences providing they meet the requirements to be granted those licences (which are no more onerous than existing licence holders). There is a right of appeal to the magistrates' court against the refusal to grant or the conditions upon which a PH licence is grant. It is thought the risk of appeal is very low as all existing licence holders should be able to meet the required standards.

4.3 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Continuing with existing policy	2	1	2
<i>Objections made after the decision to merge the schemes</i>	1	1	1
<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>			

Appendices

Appendix 1 – current conditions for PH operator, vehicle and driver licences

Appendix 2 - existing conditions for chauffeur operator, vehicles and driver licences

Background Papers

Report to Environmental Health and Licensing Committee (3 October 2001)

File Reference
None

APPENDIX I
PRIVATE HIRE LICENCE CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
STANDARD CONDITIONS FOR PRIVATE HIRE OPERATOR'S LICENCE

- (1) The Licensee shall keep a record in a manner acceptable to the Council and shall enter therein before the commencement of each journey the following particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and such record must be maintained for at least the period of one year: -

- (a) Place at which vehicle is to attend;
- (b) Date and time at which vehicle is to attend;
- (c) Destination;
- (d) Plate and registration numbers of vehicle;
- (e) Name of driver of vehicle.

If the Licensee notifies to an authorised officer of the Council in writing a call sign identifying a private hire vehicle operated by him and its driver, and the officer accepts the said call sign, the Licensee may as an alternative to entering the particulars of the plate and registration number of the vehicle and its driver in accordance with requirements (d) and (e) above, enter particulars of the said call sign provided that no such particulars shall be entered in respect of any bookings of a private hire vehicle which may be invited or accepted before the said call sign is notified to and accepted by the authorised officer of the Council. If any call sign accepted by or on behalf of the Council is transferred to another vehicle and/or driver the Licensee shall not enter the said call sign as an alternative to the particulars of the plate and registration number of the vehicle and its driver until such time as the Licensee has notified the change of vehicle and/or driver to an authorised officer of the Council and the officer has accepted the change.

- (2) The Licensee shall keep a record of the following particulars of any private hire vehicle operated by him: -

- (a) Registration number;
- (b) Private Hire plate number;
- (c) Permitted number of passengers to be carried as shown on Private Hire plate;
- (d) Make and model of vehicle;
- (e) Name and address of proprietor of vehicle;
- (f) Date vehicle was first licensed for motor taxation purposes;
- (g) Date when vehicle was first licensed by the Council for private hire work;
- (h) Date when vehicle was added to operator's fleet;
- (i) Date on which vehicle was withdrawn from fleet.

- (3) The Licensee shall keep a record of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated by him: -

- (a) Full names of the driver;
- (b) Full permanent address of the driver;

- (c) Date of birth;
 - (d) Private hire badge number;
 - (e) Date that engagement/employment commenced;
 - (f) Date that engagement/employment terminated.
- (4) The Licensee shall produce all or any of the records specified in conditions (1), (2) and (3) above on request to any authorised officer of the Council or to any constable for inspection.
 - (5) The Licensee shall not operate any vehicle for private hire work, which has not been licensed by the Council for such work.
 - (6) The Licensee shall not employ or otherwise engage whether directly or indirectly any driver to drive any private vehicle operated by the Licensee unless the driver has been granted a private hire vehicle driver's licence by the Council.
 - (7) The Licensee shall ensure that any private hire vehicle operated by him is in a suitable mechanical condition, safe, comfortable, clean and presentable and that the private hire plates provided by the Council are affixed to the vehicle in such manner and position as shall be prescribed by the Council's officers.
 - (8) The Licensee must give the Council written 28 days' notice of a change in operating address, home or business address.
 - (9)
 - (a) The Licensee to publish within 28 days of the grant of the licence a complaints procedure and send a copy to the Council, maintain a written record of complaints received by him, and make those records available to authorised officers of the Council;
 - (b) details of how to make complaints to be made available free of charge by drivers operated by the Licensees to hirers who request them.
 - (10) The Licensee to maintain a record of the expiry dates of the licences, insurance policies and Certificates of Compliance of drivers and vehicles operated by them.
 - (11) The Licensee to maintain a record of the National Insurance numbers of drivers who operate their vehicles.
 - (12) The Licensee to keep in force a public liability insurance certificate in the sum of not less than £5 million in respect of any one event, or some other sum as may be from time to time agreed by the Council and to produce it on request to the Council's authorised officers.
 - (13) All records required to be kept by the Licensee shall be maintained for a minimum period of one year.
 - (14) The Licensee must ensure that all advertising in connection with their private hire business makes it clear that all bookings must be pre-booked in advance through the Licensee.
 - (15) The Licensee must publish and send a copy to the Council within 28 days of the grant of the licence a policy on assisting disabled customers.

- (16)** The Licensee to inform the Council in writing within 14 days of being convicted or receiving a caution for any criminal offence, or on becoming aware of a driver operated by him being convicted or receiving a caution for any criminal offence.
- (17)** The Licensee to advise the Council in writing within three working days of the name and badge number of any licensed driver who starts to work for him or ceases his employment with him.
- (18)** No booking to be accepted unless the hirer is either given an estimate of the charge for that journey or the basis on which the charge will be made.
- (19)** The Licensee to ensure any rooms provided for the public, for waiting or making bookings, to be clean, adequately heated, ventilated and lit.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
STANDARD CONDITIONS
PRIVATE HIRE DRIVER'S LICENCE**

- (1) The driver of a Private Hire Vehicle shall at all times when acting in accordance with this Licence conduct himself in an orderly manner and with civility and propriety and shall comply with every reasonable requirement of any person hiring or being conveyed in such private hire vehicle.
- (2) The Licensee shall at all times when acting in accordance with this licence wear visibly displayed an identity style badge, as provided by, and which shall remain the property of, the Council, which shall be incorporated in it a passport sized photograph of the driver's face and the driver's badge number.
- (3) The Licensee shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from any private hire vehicle driven by him.
- (4) The Licensee shall not convey or permit to be conveyed in any private hire vehicle driven by him any greater number of persons (excluding the Licensee) than the number of persons specified on the plates provided by the Council and affixed to the vehicle.

Provided that for the purpose of this condition children under the age of three years shall not be reckoned.

- (5) If the Licensee when required by the hirer of any private hire vehicle driven by him shall not refuse to carry in the vehicle the number of persons specified on the plates provided by the Council and affixed to the vehicle, or any less number as required by the hirer.
- (6) The Licensee has agreed or has been hired to be in attendance with a private hire vehicle at an appointed time and place he shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
- (7) If the Licensee has agreed or has been hired to be in attendance with a private hire vehicle so constructed as to carry luggage he shall, when required by the hirer or any person being conveyed in the vehicle:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person or persons.
- (8) If the Licensee shall knowingly convey in any private hire vehicle driven by him the dead body of any person he shall immediately thereafter notify the fact to the Council's Head of Community and Customer Services.
- (9) The Licensee shall immediately after the termination of any hiring of a private hire vehicle by him or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.

- (10) The Licensee shall, if any property accidentally left in any private hire vehicle by any person who may have been conveyed in the vehicle by the Licensee be found or handed to him:
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner to the Town Hall on being giving a receipt for it;
 - (b) be entitled to received from any person to whom the property shall be re-delivered an amount equal 5p in the £ of its estimated value or the fare for the distance from the place of finding to the police station, whichever be the greater (but not more than £5).
- (11) The Licensee shall not permit or suffer any person to be carried in, on or about any private hire vehicle driven by him during the hiring without the express consent of the hirer of the vehicle.
- (12) The Licensee, if authorised by the proprietor of any private hire vehicle to act as the driver of such vehicle, shall not suffer any other person to act as driver of such vehicle without the consent of the proprietor thereof.
- (13) The Licensee shall not act as the driver of any private hire vehicle without the consent of the proprietor thereof.
- (14) If a Private Hire Vehicle driver is convicted of any offence, including any traffic offence, the driver is responsible for notifying the details of the offence and any penalty or sentence awarded in connection with such offence to the Council in writing, within 28 days of the conviction.
- (15) The driver of a private hire vehicle shall, when requested by any person hiring the vehicle, carry a guide dog accompanying a visually impaired passenger.

You are reminded that it is your responsibility to renew your licence in good time, and to inform the Head of Community and Customer Services of any changes

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.

APPENDIX II
CURRENT CHAUFFEUR LICENCE CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
STANDARD CONDITIONS FOR PRIVATE HIRE VEHICLE
OPERATORS CONDUCTING CHAUFFEUR WORK

- (1) The Licensee is allowed to only conduct a private hire vehicle business under this licence to supply private hire vehicles to passengers who require a higher level of security and discretion than would otherwise be the case.
- (2) The Licensee shall keep a record before the commencement of each journey the following particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and such record must be maintained for at least the period of one year: -
 - (a) Date;
 - (b) Time;
 - (c) Whether direct from hirer or at request of another operator (in the latter instance give name of operator);
 - (d) The number of passengers;
 - (e) The location of where the passengers are to be collected from;
 - (f) The location of where the passengers are taken to;
 - (g) Plate and registration numbers of vehicle;
 - (h) Name of driver of vehicle.
- (3) The Licensee must submit a copy to the Council, (or with the Council's approval, a summary) of the records required to be kept under condition 2, by the tenth working day of each month, showing those journeys undertaken by or on behalf of the Licensee in the preceding month.
- (4) The Licensee shall keep a record of the following particulars of any private hire vehicle operated by him: -
 - (a) Registration number;
 - (b) Private Hire plate number;
 - (c) Permitted number of passengers to be carried as shown on Private Hire plate;
 - (d) Make and model of vehicle;
 - (e) Name and address of proprietor of vehicle;
 - (f) Date vehicle was first licensed for motor taxation purposes;
 - (g) Date when vehicle was first licensed by the Council for private hire work;
 - (h) Date when vehicle was added to operator's fleet;
 - (i) Date on which vehicle was withdrawn from fleet.
- (5) The Licensee shall keep a record of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated by him: -
 - (a) Full names of the driver;
 - (b) Full permanent address of the driver;
 - (c) Date of birth;
 - (d) Private hire badge number;

- (e) Date that engagement/employment commenced;
 - (f) Date that engagement/employment terminated.
- (6) The Licensee shall produce all or any of the records specified in conditions (2), (4) and (5) above on request to any authorised officer of the Council or to any constable for inspection.
 - (7) The Licensee shall not employ or otherwise engage whether directly or indirectly any driver to drive any private vehicle operated by the Licensee unless the driver has been granted a private hire vehicle driver's licence.
 - (8) The Licensee shall ensure that any private hire vehicle operated by him is in a suitable mechanical condition, safe, comfortable, clean and presentable and that the private hire plates provided by the Council are affixed to the vehicle in such manner and position as shall be prescribed by the Council's inspection officer.
 - (9) The Licensee must give the Council written 28 days' notice of a change in operating address, home or business address.
 - (10)
 - (a) The Licensee to publish within 28 days of the grant of the licence a complaints procedure and send a copy to the Council, maintain a written record of complaints received by him, and make those records available to authorised officers of the Council;
 - (b) details of how to make complaints to be made available free of charge by drivers operated by the Licensees to hirers who request them.
 - (11) The Licensee to maintain a record of the expiry dates of the licences, insurance policies and Certificates of Compliance of drivers and vehicles operated by them.
 - (12) The Licensee to maintain a record of the National Insurance numbers of drivers who operate their vehicles.
 - (13) The Licensee to keep in force a public liability insurance certificate in the sum of not less than £5 million in respect of any one event, or some other sum as may be from time to time agreed by the Council and to produce it on request to the Council's authorised officers.
 - (14) All records required to be kept by the Licensee shall be maintained for a minimum period of one year.
 - (15) The Licensee must ensure that all advertising in connection with their private hire business makes it clear that all bookings must be pre-booked in advance through the Licensee.
 - (16) The Licensee must publish and send a copy to the Council within 28 days of the grant of the licence a policy on assisting disabled customers.
 - (17) The Licensee to inform the Council in writing within 14 days of being convicted or receiving a caution for any criminal offence, or on becoming aware of a driver operated by him being convicted or receiving a caution for any criminal offence.

- (18)** The Licensee to advise the Council in writing within three working days of the name and badge number of any licensed driver who starts to work for him or ceases his employment with him.
- (19)** No booking to be accepted unless the hirer is either given an estimate of the charge for that journey or the basis on which the charge will be made.
- (20)** The Licensee to ensure any rooms provided for the public, for waiting or making bookings, to be clean, adequately heated, ventilated and lit.

- LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -

STANDARD CONDITIONS

PRIVATE HIRE VEHICLE (CHAUFFEURS) DRIVER'S LICENCE

- (1) The Licensee shall only drive vehicles licensed by Watford Borough Council ("the Council") as suitable for chauffeur work.
- (2) The driver of a private hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- (3) The Licensee shall at all times when acting in accordance with this licence visibly display an identity style badge, as provided by, and which shall remain the property of, the Council, which shall be incorporated in it a passport sized photograph of the driver's face and the driver's badge number.
- (4) The Licensee shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from any private hire vehicle driven by him.
- (5) The Licensee shall not convey or permit to be conveyed in any private hire vehicle driven by him any greater number of persons (excluding the Licensee) than the number of persons specified on the plates provided by the Council and affixed to the vehicle.

Provided that for the purpose of this condition children under the age of three years shall not be reckoned.

- (6) If the Licensee when required by the hirer of any private hire vehicle driven by him shall not refuse to carry in the vehicle the number of persons specified on the plates provided by the Council and affixed to the vehicle, or any less number as required by the hirer.
- (7) The Licensee has agreed or has been hired to be in attendance with a private hire vehicle at an appointed time and place he shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
- (8) If the Licensee has agreed or has been hired to be in attendance with a private hire vehicle so constructed as to carry luggage he shall, when required by the hirer or any person being conveyed in the vehicle:
- (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person or persons.
- (9) The Licensee shall immediately after the termination of any hiring of a private hire vehicle by him or as soon as practicable thereafter carefully search the vehicle for an property which may have been accidentally left therein.

(10) The Licensee shall, if any property accidentally left in any private hire vehicle by any person who may have been conveyed in the vehicle by the Licensee be found or handed to him:

(a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner to the Town Hall and leave it in the custody of the Licensing Officer on his giving a receipt for it;

(b) be entitled to received from any person to whom the property shall be re-delivered an amount equal 5p in the £ of its estimated value or the fare for the distance from the place of finding to the Town Hall, whichever be the greater (but not more than £5).

(11) The Licensee shall not permit or suffer any person to be carried in, on or about any private hire vehicle driven by him during the hiring without the express consent of the hirer of the vehicle.

(12) The Licensee, if authorised by the proprietor of any private hire vehicle to act as the driver of such vehicle, shall not suffer any other person to act as driver of such vehicle without the consent of the proprietor thereof.

(13) The Licensee shall not act as the driver of any private hire vehicle without the consent of the proprietor thereof.

(14) If a Private Hire Vehicle driver is convicted of any offence, including any traffic offence, the driver is responsible for notifying the details of the offence and any penalty or sentence awarded in connection with such offence to the Council in writing, within 28 days of the conviction.

(15) The driver of a private hire vehicle shall, when requested by any person hiring the vehicle, carry a guide or other assistance dog accompanying a visually impaired or disabled passenger.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
STANDARD CONDITIONS FOR PRIVATE HIRE (CHAUFFEUR) VEHICLES

1. *Plates*

The windscreen disc (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 on the windscreen 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*

No advertisement sign of any nature may be displayed on the vehicle

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 of door mirrors.

Tyres And Wheels

The vehicle must be fitted with all radical 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.

5. *Two-way Radio Equipment*

Before two-way radio equipment is installed in the vehicle, the Environmental Manager 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 has been approved by the Council's inspection officer.

6. *Fire Extinguisher*

An efficient fire extinguisher must be fitted and maintained in the vehicle.

7. *Lead-Free Petrol*

The vehicle if driven by a petrol engine shall be capable of operating on lead-free petrol.

8. *Identity Badge*

The driver of the vehicle must be licenced by the Council as a Private Hire Vehicle (Chauffeur) Driver and carry the identity badge issued to him by the Council for that purpose.

PART A

Report to: Licensing Committee
Date of meeting: 23 November 2015
Report of: Head of Community and Customer Services
Title: Further amendments to charity street collection policy

1.0 SUMMARY

- 1.1 The Licensing Committee has recently adopted a new policy in relation to charitable cash collections in the town centre. Experience since then has indicated the need for a slight modification to allow more flexibility for charitable collections in the event space on The Parade between Bentine Road and Rickmansworth Road.

2.0 RECOMMENDATIONS

- 2.1 That the charitable cash collection policy agreed by the Licensing Committee on 18 March 2014 and amended on 14 July 2015 be further amended as set out at appendix 1 to allow charitable cash collections to take place in The Parade between Bentine Lane and Rickmansworth Road as part of:
- (1) collections of local or national significance (as approved by the Licensing Manager, Section Head or Head of Service), providing no more than two collectors are allowed at any one time; or
 - (2) as part of an organised event recognised or supported by the council (and which event has been approved by the Section Head or Head of Service for events)

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension: 8429 email: jeffrey.leib@watford.gov.uk

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

3.0 DETAILED PROPOSAL

- 3.1 On 18 March 2014 the Licensing Committee adopted a new policy to control cash and direct debit face-to-face charitable collections in the town centre, and this policy was subsequently amended on 14 July 2015. The legal powers to issue street collection permits are explained in the March 2014 report.
- 3.2 Since then officers have become aware of two events planned to take place in The Parade between Bentine Lane and Rickmansworth Road on behalf of local charities. These events could have benefited from charity cash collections but these are not currently permitted within this area. When originally drafted the current policy limited cash collections in this area to avoid any conflict with the events programme. It is however now evident that limited collections in this area could support use of the event space as well as benefitting local and nationally recognised charitable causes
- 3.3 Officers would recommend two amendments to collections allowed within the event space area to allow a flexible policy that continues to support charities without over burdening the town centre.
- 3.4 Firstly, an amendment to allow street cash collections as part of organised events recognised or supported by the council. Secondly, up to two cash collectors at any one time for collections of local and national significance, for example the Royal British Legion's Poppy Appeal. These collections to be approved by the Licensing teams manager, Section Head or Head of Service.
- 3.5 This proposal will maintain the slight distinction between that part of the town centre and other areas by only having charitable collections when specific council-supported or recognised events take place but not for other ad-hoc type collections that will be found in other areas of the town.
- 3.6 The complete proposed policy is included at appendix I with amendments shown in bold.

4.0 IMPLICATIONS

4.1 Financial

- 4.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report; no fee is chargeable to apply for a street collection permit and there is likely to be a very small additional workload.

4.2 Legal Issues (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that no legal issues have been identified in this report.

4.3 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Events unable to take place if policy is not amended	2	2	4
<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

Appendix 1 – Proposed amended street collection policy

Background Paper

No papers were used in the preparation of this report.

File Reference

None

POLICY FOR CHARITY COLLECTIONS IN THE TOWN CENTRE

- Applications must be made at least 28 days and no more than twelve months in advance. Applications made with less than 28 days' notice cannot be guaranteed to be processed unless there are special reasons for the delay in submitting the application (eg an appeal in response to a national or international disaster).
- Applications cannot generally be made for more than two days in any one week unless they are part of a recognised campaign (eg the Poppy Appeal).
- Applications cannot generally be made for more than one Saturday in one calendar month **unless they are part of a recognised campaign (eg the Poppy Appeal)**.
- Only one charity at a time shall be allowed to collect in each location
- Permits will be granted for collections to take place between 9 am and 7 pm. Where there are special reasons officers will have discretion to grant permits outside of these times after agreement by the Section Head or the Head of Service.
- All applications are granted subject to the Council's regulations for street collections.
- Permits may be applied for in the following locations and times:

Zone	Location	Limits
1	<i>The Parade between Rickmansworth Road and Bentine Lane</i>	<ul style="list-style-type: none"> • No direct debit collections allowed • Charity cash collections allowed only: <ul style="list-style-type: none"> - outside the applicant's premises as part of a recognised charitable appeal on no more than two days a year; • Collections of local or national significance (as approved by the Licensing Manager, Section Head or Head of Service), providing no more than two collectors are allowed at any one time; or • as part of an organised event recognised or supported by the council (and which event has been approved by the Section Head or Head of Service for events) • No more than one charitable stall, unless recommended by exception by the Events Planning Group. This group will approve only additional stalls that are part of an organised

		event recognised by the Council and supporting local charities.
2	<i>The Parade between Bentine Lane and Clarendon Road</i>	<ul style="list-style-type: none"> • No direct debit collections allowed • Charity cash collections allowed on Mondays, Fridays, Saturdays and Sundays • Only one charity may collect at a time • A maximum of one non-commercial stall will be allowed, subject to consultation with the Charter Market as to space
3	<i>High Street between Clarendon Road and Charter Place</i>	<ul style="list-style-type: none"> • <u>Direct debit collections</u> Up to four collectors allowed (2 on each side of the street) at any one time on Tuesdays, Wednesdays or Thursdays). • Collectors must be from the same company, collecting for the same charity and booked with the Professional Fundraising Regulatory Association • <u>Cash collections</u> Up to four collectors allowed on Mondays, Fridays, Saturdays and Sundays • Only one charity may collect at a time
4	<i>High Street between Charter Place and King Street</i>	<ul style="list-style-type: none"> • <u>Direct debit collections</u> Up to two direct debit collectors allowed (one on each side of the street) at any one time on Tuesdays, Wednesdays or Thursdays) • Collectors must be from the same company, collecting for the same charity and booked with the Professional Fundraising Regulatory Association • <u>Charity collections</u> Up to four collectors allowed on Mondays, Fridays, Saturdays and Sundays, • Only one charity at a time
5	<i>St Mary's Square</i>	<ul style="list-style-type: none"> • No direct debit collectors allowed • No charity cash collections allowed except in conjunction with a non-commercial stall
6	<i>Queens Road between High Street and Beechen Grove</i>	<ul style="list-style-type: none"> • No direct debit collectors allowed • Maximum of one non-commercial stall allowed at a time <i>or</i> • Up to two charity cash collectors • Only one charity at a time
7	<i>High Street between King Street and Beechen Grove</i>	<ul style="list-style-type: none"> • No direct debit collectors allowed • Up to two charity cash collectors but no non-commercial stalls • Only one charity at a time
8	<i>Other town centre</i>	<ul style="list-style-type: none"> • No direct debit collectors allowed

	<i>areas</i>	<ul style="list-style-type: none"> • No charity cash collections allowed apart from outside the applicant's premises as part of a recognised charitable appeal on no more than two days a year.
9	<i>The Hornets</i>	<ul style="list-style-type: none"> • No direct debit collectors allowed • Up to four charity cash collectors • Only one charity at a time
10	<i>Vicarage Road</i>	<ul style="list-style-type: none"> • No direct debit collectors allowed • Up to two charity cash collectors • Only one charity at a time

NOTE: Any charity street collections outside of these locations will still need to apply to the Council for a permit.

Any vehicles used as part of non-commercial promotions and activities be authorised by officers to be sited in the town centre subject to consultation with the Highways Authority and the Parking Service.

