



WATFORD BOROUGH COUNCIL

Hackney Carriage and Private Hire Licensing Policy 2021 – 2026

Definitions

For the purpose of this policy:

Appeal - A review of our decision. Appeal is to the Magistrates' Court or the Crown Court. The Courts may uphold our decision (agree with the Local Authority), or overturn it (agree with you).

Authorised officer/Licensing Officer - means any officer within the Council authorised by the Council's scheme of delegations as set out in the Council's Constitution.

Basic Disclosure - A certificate detailing the result of a criminal record check. The certificate contains any convictions or cautions that are unspent.

Borough - The area covered by Watford Borough Council

Data Protection Legislation - The GDPR and The Data Protection Act 2018 which regulates how your personal information is used by organisations, businesses or the government

DfT - Department for Transport

Disclosure and Barring Service Certificate - A certificate detailing the result of an enhanced criminal record check, also known as an Enhanced DBS Check. The certificate details any cautions, warnings, reprimands or convictions on an individual's criminal history and if relevant, can also check against the children and/or adults barred lists.

Driver - A person licensed by a local licensing authority to drive a licensed vehicle.

DVLA - Driver and Vehicle Licensing Agency.

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DVLA licence - means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency

EWVTA - European Whole Vehicle Type Approval

Guidance - The guidance issued by the Department for Transport on 2 March 2010: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Hackney Carriage - A vehicle that can carry passengers for hire or reward. The vehicle can be hailed by its passenger from the street; can park on a rank while waiting for its passenger; is available for immediate hire. Also known as a taxi.

Hirer - shall mean any person or persons who from time-to-time hires or books the vehicle.

Internal Combustion Engine (ICE) - A traditionally powered car engine running on petrol or diesel or another combustible fuel

Information Commissioner - the Information Commissioner's Office is responsible for regulating compliance with Data Protection Legislation, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Inspecting Officer – an officer responsible for conducting the inspection of a licensed vehicle or operator base.

Investigating Officer – The officer or officers tasked with investigating a licensing matter

IVA - Individual Vehicle Approval (may be Statutory or Voluntary)

Licensee - shall mean the person(s) named in the licence.

MOT - Ministry of Transport – annual motor vehicle inspection

NSSTA - National Small Scale Type Approval

DRAFT FOR CONSULTATION – Appendix 2

Police National Computer - The Police National Computer (PNC) is a system that stores and shares criminal records information across the UK.

Private Hire Operator - Person or entity which makes provision for the offer and acceptance of private hire services. Also known as a minicab office or firm.

Private Hire Vehicle - A vehicle that can carry passengers by prior arrangement only through a licensed private hire operator. This type of vehicle cannot stand on a rank, or give the impression that it is available for immediate hire. Also known as a minicab. Abbreviated to PHV.

Proprietor - The person(s), partnership or company named on, and who are in possession of a licensed vehicle.

Refuse/Refusal - A decision not to grant the licence.

Revoke - To take away a licence permanently.

Senior officer - a senior officer is the Investigating Officer's immediate supervisor or line manager.

Suspend - To take away a licence temporarily.

The Council - Watford Borough Council

The Standards – The Taxi and Private Hire Standards published by the Department for Transport on 21 July 2020.

Vehicle or Licensed Vehicle - means both a hackney carriage and private hire vehicle

We/Our - Watford Borough Council, usually acting through its officers

Where a condition states the licence holder ‘must’ do something then if this condition is not met a licence will not be granted.

Where a condition states the licence holder ‘may’ do something, then it is down to the licence holder to choose whether to comply. If a licence holder chooses to comply then any associated conditions are compulsory and the licence holder must comply with them.

*For example, a licence holder **may** install CCTV. If a licence holder chooses to install CCTV then they **must** comply with the conditions concerning data protection, signage, audio recording etc.*

1. Introduction

This policy provides guidance to businesses operating or looking to operate hackney carriage (taxi) or private hire (minicab) services in Watford.

The policy lists a range of requirements that must be met before a licence will be granted for driving, owning or operating a taxi or minicab.

The policy provides confirmation for passengers, residents, visitors and other road users of the standards that are expected and can be found by those offering taxi and minicab services in Watford

The policy allows for consistency in decision making by officers of the council.

The policy provides consistency for those operating taxi or minicab businesses.

In creating this policy the council has had regard to a number of reports and publications including, but not limited to:

The Taxi Standards issued by the Department for Transport on 21 July 2020

the guidance issued by the Department for Transport on 2 March 2010: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance ('The Guidance');

the Department for Transport Inclusive Transport Strategy 2018;

the report of the Taxi Task and Finish Group, published September 2018 - Taxi and private hire vehicle licensing: recommendations for a safer and more robust system and;

the report (2018) of the House of Lords Select Committee on the Equality Act 2010 and Disability. The Equality Act 2010: the impact on disabled people

The report of the Equality and Human Rights Commission, 2017 - Being Disabled in Britain: A Journey Less Equal

The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019: Statutory guidance

The council has conducted detailed research and consulted with a number of bodies, stakeholders and the public. All views have been considered and a proportionate outcome reached.

2. Policy Objectives

The policy is intended to:

- a. improve the safety of taxi and private hire operations for users and the wider public
- b. improve the safety of drivers, proprietors and operators
- c. ensure access to transport provision for all residents, particularly those who cannot access services using new technology
- d. support the council's aims in improving air quality and reducing environmental impact
- e. support the council's aims of becoming carbon neutral by 2030
- f. assist in reducing traffic congestion
- g. support the growth and sustainability of local business
- h. provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.

Hackney carriages and private hire services have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport. They provide a unique on-request door to door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the objectives. It is the Council's wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public, whilst maintaining the current high standard of service provision.

When considering this Policy, the Council have tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the impact of the requirement against the benefit to the public.

3. Policy Duration

This Policy will take effect from 8 March 2021 and will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice.

Administrative amendments to this Policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the Group Head of Community and Environmental Services, the Head of Community Protection or the Business Team Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

The Policy will be reviewed to ensure it remains fit-for-purpose and either amended where necessary and/or approved for continuation by the Licensing Committee no later than 31 March 2026.

In the event of any significant amendment to the Policy, a full public consultation will be undertaken prior to consideration by the Licensing Committee.

For the purpose of this section, a significant amendment is defined as one that:

- (i) will have significant financial impact on applicants, licence holders or the public,
- (ii) will have a significant procedural impact on applicants, licence holders or the public, or
- (iii) may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

4. Departure from the Policy

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out within.

All policies are the starting point for decisions and this policy should carry significant weight when applied to any decision. However, all decisions are taken on the merit of the individual case and where an applicant wishes to apply for a licence outside of the requirements contained within this policy, full and unfettered consideration will be given to that application. Certain unique situations are referred to within this policy but it is not possible to cover all eventualities. However, applicants should be aware that departures from policy will usually be restricted to exceptional circumstances and not used to circumvent the reasonable requirements of the Policy. Furthermore, any applicant who remains aggrieved at a decision of the licensing authority and who wishes to challenge that decision can do so by application to the Court.

4.1 Substantial Departure from Policy

Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Group Head of Community and

Environmental Services or the Head of Community Protection may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances.

4.2 Minor departure from Policy

Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Group Head of Community and Environmental Services, the Head of Community Protection or the Business Team Manager may authorise a licence to be issued.

5. Our powers and duties

Our duty to regulate hackney carriage and private hire vehicles, driver and private hire operators in the Borough comes from a number of laws:

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847 (as amended)

Road Safety Act 2006 (Sections 52-53)

Immigration Act 2018

Deregulation Act 2015

Equality Act 2010

The first and foremost consideration for the licensing authority in exercising our powers under hackney carriage and private hire legislation is the protection and safety of the public. This includes persons using hired vehicles and the wider public who may be affected by the use, or misuse, of such vehicles. This will be achieved by ensuring:

The fitness and propriety of any person applying for, or holding, a hackney carriage, private hire or dual driver's licence;

The suitability, roadworthiness, mechanical soundness and visual appearance of any vehicle licensed, or proposed to be licensed, as a hackney carriage or private hire vehicle;

The fitness and propriety of any person applying for, or holding, a private hire operator's licence; and

The prevention of unlicensed persons from carrying out any of the regulated activities, via proactive and reactive enforcement and compliance work to detect and, where appropriate, take action against such persons.

As the Licensing Authority we expect applicants to be aware of, and familiar with, the requirements of this Policy, in particular where there may be areas of conflict between the Policy and their proposed operations. We expect applicants to be prepared to propose measures to alleviate any concerns around such conflicts. Applicants are required to assure the authority that they can operate in a way which always promotes and upholds the principles set out within the Policy.

Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to take these into account when planning their business activities.

6. Digital services

Although hackney carriage and private hire licences are excluded from the scope of the EU Services Directive, and the Provision of Services Regulations, which give effect to the Directive, we believe that many of the principles contained therein are relevant to this area of licensing, and are key to operating a modern, low-burden regulatory scheme.

Where possible, we will switch services away from paper-based application forms and services towards interactive and intuitive online applications and services, which will make the process of applying for a licence simpler and more efficient.

Where electronic processes are adopted, support will be available from the Licensing Team to assist with any questions, and to advise applicants and licensees how to use the new processes.

This aim is consistent with measures taken by the Government to digitise other services which also affect the hackney carriage and private hire trades, such as the abolition of vehicle excise ('road tax') discs and driving licence counterparts, and replacement of these documents with internet-based systems.

When applying for a licence applicants must provide an email address in order for us to be able to communicate with them. Doing so gives significant benefits to licensees in terms of the speed at which correspondence can take place.

7. Return of licence plates and licence badges

All licence plates and licence badges remain the property of the Council and must, in accordance with the law, be returned upon written request within seven days of such a request where the licence has expired, or been suspended or revoked.

A licence plate and a licence badge signify the existence of a current valid licence, but are not licences in their own right.

Where new licence plates or licence badges are posted to the licence holder, the existing plate or badge must be returned within seven days of receipt.

8. Fees - General

The fees for applications are set by the Licensing Committee annually and are published separate to this policy and are available on the Council's website.

Fees will apply in all cases unless otherwise determined.

Refunds will not be given where a licence is surrendered part-way through the licence period.

9. Payments

The Council is able to accept payment by debit or credit card or BACS payments. Cheques and cash payments are not accepted.

Please contact the council if you wish to pay by BACS

10. Refunds and Duplicate Copies

In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, we will not normally refund any fee unless there are exceptional circumstances.

Where we receive a request for a duplicate copy of any previously issued licence, an appropriate fee will be required to cover the associated administrative costs.

In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made.

11. Late Applications for Renewal - General

It is an applicant's duty to ensure they apply in good time for their licence application to be considered before the expiry of an existing licence.

12. Transfer of licences

It is not possible to transfer a driver licence.

It is not possible to transfer an operator's licence

It is possible to transfer the ownership of a licensed vehicle. Where the ownership of a licensed vehicle changes, the new owner shall within 14 days apply for a transfer of the licensed vehicle. A transfer application form must be completed by the proposed licence holder and the existing licence holder, confirming that the transfer is being applied for with the consent of both parties. The following documents must be submitted with the transfer application:

- The original vehicle licence
- Valid, current, insurance certificate for the new vehicle
- Log book, or new keeper supplement, in the new owner's name
- The transfer fee
- Where the vehicle being transferred is a private hire vehicle, In addition to the points above, if the new owner of the vehicle is to be working with a different Licensed Private Hire Operator from the previous vehicle owner then the door signs of the vehicle will need to be changed to those of the new operator, a new vehicle licence plate will need to be issued and fitted to the vehicle and receipts reflecting the new operator will need to be available within the vehicle. If this is the case then the vehicle will need to be presented for inspection at the time of the licence transfer and a fee of will be payable for the new licence plate.

If a vehicle is licensed but is not immediately intended to be used for hackney carriage or private hire work due to its condition being such that it is not fit to be used, the licence can be suspended for a period of up to two months and in these circumstances evidence of insurance cover need not be provided. In some cases this can be helpful to allow time for repairs to be made or for a new vehicle to be obtained without the need for ongoing insurance cover. However, it is important to note that, if at the end of a two month suspension period the vehicle remains unused and suspended and no application has been made to move the licence to a new vehicle the licence would be deemed to have been

revoked and will cease to exist, so will not subsequently be able to be moved to another vehicle.

13. Change of Address

A change of name or address must be notified to the licensing team as soon as reasonably practicable and in any case no later than 28 days from the date of moving. You must submit a [change of address form](#) to the Licensing team. The fee to notify a change of address can be found in the list of fees and charges on the website.

14. Appeals - General

If your application for a taxi or private hire licence is refused you may appeal the decision in the [magistrates' court](#). You may also appeal against any conditions attached to a licence. Appeals must be submitted to the court in writing within 21 days of being notified of the decision of refusal or grant.

15. Applications for Driver Licences

15.1 General Criteria

Applicants must:

- be at least 21
- have held a full UK or EEA driving licence for at least two years
- pass a practical driving assessment through one of the council's approved test providers
- pass the council's knowledge test
- take a medical with their GP.
- Undergo an enhanced Disclosure and Barring Service check
- Provide proof of a right to work in the UK

The Licensing Authority can issue two types of licence allowing individuals to act as hackney carriage or private hire driver while holding the appropriate licence. The types of licence are:

- A private hire only driver's licence, restricting the individual to only driving Watford Borough Council licensed private hire vehicles; and
- A dual private hire and hackney carriage driver's licence, meaning the holder can drive both Watford Borough Council licensed private hire and hackney carriage vehicles.

15.2 DVLA Licence

Legislation states before granting a licence for a hackney carriage or private hire driver, The Council must be satisfied that:

- a) The applicant is a fit and proper person to hold a driver's licence; and

b) The applicant is authorised to drive a motor car by holding a valid driving licence, and has been so for at least 12 months.

In accordance with sections 51(1)(b) and 59(1)(b) of the 1976 Act, licences may not be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.

We have adopted a Policy going beyond this requirement, and will expect applicants for hackney carriage or private hire driver's licences to have held a full motor car driving licence for at least 24 months prior to applying for a licence. Applications will generally be refused if this requirement is not satisfied.

Applicants will be required to produce their current, full driving licence for inspection, with their application, showing the applicant's current home address.

Applicants are required to provide a DVLA check code with their application so that their current driving licence record can be checked. We will also require applicants to sign a consent form to enable similar checks to be possible during the validity of their licence where their application is successful. These checks will be carried out in a targeted manner, i.e. when information is received that raises potential concerns about a driver's record, and also at regular intervals of 6 months to ensure that drivers are advising us of any driving offences. Drivers refusing to supply driving licence information on request may be suspended with immediate effect if it is considered that this is necessary for the protection of the public. The application form includes a section where the applicant signs to give their consent for this check.

All applicants must hold a full UK driving licence. Any applicant who holds a driving licence issued by an EEA member state must obtain a British licence counterpart, prior to making their application. This will ensure that the applicant is formally recorded on UK driving licence databases, and may be allocated licence endorsements and penalty points for motoring offences committed in the UK. This creates an ongoing record on driving conduct of a type relevant to professional drivers. Both the British counterpart and the original

European licence must be produced on making an application. British counterparts may be obtained from DVLA through the completion of form D9, available at:

<https://www.gov.uk/government/publications/d9-application-to-register-a-non-gbdriving-licence>

Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Licensing Authority, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.

15.3 Training Requirements

All applicants for a hackney carriage/private hire driver's licence are required to pass the Licensing Authority's designated training before a licence is granted. Applicants are required to meet the cost of the training. If an applicant can show they have passed adequate similar training they may be exempted from the training arranged by the Licensing Authority.

Training consists of:

Customer Service

Rules and Regulations

Disability, Equality and Dementia Awareness

Safeguarding Passengers (CSE, County Lines, Modern Slavery, Human Trafficking and Extremism).

Driver Safety and reporting crime

Existing licence holders are required to attend refresher training on these and other relevant topics every 6 years.

15.4 Knowledge Tests

Knowledge tests are considered to be an important and serious requirement in establishing whether an applicant is suitable to be a driver. Through the written knowledge test assessment drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on routes; Policy; related law; maths based questions; and elements of the Highway Code.

A knowledge test pass is valid for a period of six months from the date of passing. If an application for a driver licence has not been submitted within a period of six months following the successful knowledge test, a further knowledge test pass will be required before an application can be made.

Existing licence holders will be required to undergo a written test following attendance at the refresher training.

An application cannot be accepted unless the applicant has passed the appropriate knowledge test.

Applicants taking the test must not receive assistance from a third party. Strict conditions about the behaviour of applicants are considered essential. The test is not only a test of knowledge but also a test of character. Being 'Fit and Proper' to hold a licence means being honest at all times. This means that applicants will automatically fail the test if their behaviour is considered to be inappropriate during the test or if there is any evidence of cheating. Cheating in this context includes, but is not limited to, copying another applicant's answers; disruptive behaviour during the test; utilising any non-permitted papers or devices or otherwise trying to gain an unfair or improper advantage. This behaviour will also form part of the consideration of any grant of a licence should the applicant re-apply at a later date.

15.5 English Language Requirements

The delivery of the training session and the method of written testing ensures that English Language competency is tested as part of the knowledge test process. There is no requirement to provide further competency proof.

The cost of tests will be charged to the applicant prior to the test being arranged. The current fee for this will be available on the Council's fees and charge sheet, available on the website.

15.6 Medical Tests

You will need must book your medical with your regular or usual GP, taking along the medical form to your appointment for your GP to complete. You must reach the standard of the DVLA group 2 medical requirements which can be found here <https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive>. A medical is valid for six months.

15.7 The Disclosure and Barring Service Update Service

Applicants for a hackney carriage or private hire driver licence will be required to subscribe to the Disclosure and Barring Service Update Service.

The DBS update service will check regularly for updates to the records and amend them as necessary. The Licensing Authority will undertake a DBS check every 6 months on all drivers registered with the Update Service. The Licensing Authority may make checks in addition to these six monthly checks when deemed necessary.

In exceptional circumstances where an applicant for a driver licence is unable to subscribe to the service they should be aware that there will be a requirement to undergo a DBS check every 6 months. The licence holder must pay for the cost of these checks.

15.8 Immigration and Right to Work

The law requires that we check an applicant's right to work before a licence is issued.

The Home Office have published [guidance](#) on conducting immigration checks for taxi licensing, which also includes details of what documents can be accepted to prove your immigration status, and for how long licences may be granted.

If you are on a time limited visa, any licence which may be issued will expire when your visa expires.

If you have any application pending for a visa or leave to remain, including renewals of such documents or permission, any licence which may be issued will only be issued to expire within 6 months of issue.

If, at any time, your entitlement to work in the UK is removed, your licence will be revoked.

15.9 Late Renewals

Where an application is received after the expiry of an existing licence the application will not be treated as a renewal and the applicant will be required to apply as if a new applicant.

Applicants will have to undergo all requirements to apply for a licence with the exception of the routes test for hackney carriage drivers (see additional section 15.10, below).

Vehicle licence conditions in force at the time of application may mean that a vehicle cannot be licensed due to age or emission standards.

During the time between the expiry of the old licence and renewal being granted no licence is in place and therefore any associated work cannot be carried out. Any individual working in between expiry and renewal will therefore be treated in the same way as an unlicensed individual and the appropriate enforcement action will be considered.

For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licensed by us until a new licence has been granted. Only in exceptional circumstances will we consider departing from this part of the Policy.

15.10 Applicants returning to the trade after a significant period of time away

Applicants for a hackney carriage driver licence who apply for a licence after an absence of holding a licence for six years or more will be required to undertake the hackney carriage routes test.

15.11 Booking an appointment

After you have completed the above you can book an appointment to apply in person by using the online booking system on the Watford Borough Council website.

15.11.1 Documents to bring

You will need to supply your completed application form, medical and practical driving test certificate.

You must also bring forms of identification with you for a criminal records check. A driving licence, passport, and a utility bill or bank statement (less than three months old) are acceptable. Further information on what documents are acceptable for the criminal records check can be found on the application form, and also on the website for the [Disclosure and Barring Service](#). If you can't provide at least three acceptable documents, please contact the licensing team.

Because the council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle all applicants must provide evidence to show that they are entitled to work in the UK. You must show there are no restrictions on the work that you can do. You must produce proof of your right to work during your appointment.

Please be aware that all completed applications are considered on their own merits. This means that each application and case is unique. Incomplete or missing documentation or evidence is likely to result in the application being rejected. Any driver licence application that is not completed within 12 months will be treated as withdrawn.

If an applicant does not meet the required standards of this policy but wishes for their application to be considered by us it will be referred to the Head of Community Protection or the Group Head of Community and Environmental Services who will determine whether it is right to depart from the policy. This will be the case for both new applicants and existing licence holders applying to renew.

Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.

We will aim to send a reminder to licence holders before their licence expires, in order to assist them to submit their renewal applications promptly. The licensing team are not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder. Applicants must therefore allow adequate time for the processing of any renewal applications. The Council is not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS). The criminal records check can take up to eight weeks and you can only start working once we have granted you a licence.

15.11.2 Timescales

There is no time limit set on the process of determining applications as the council must be satisfied that applicants are fit and proper to hold a licence. The process to ensure a person is fit and proper can take some time in all cases and longer if information is not supplied at the time of application or the council must make further enquiries to satisfy the requirements of the law.

We will aim to process applications in a manner which does not unnecessarily delay applicants wishing to begin work. You can contact the licensing team by email throughout the application process in order to find out the status of your application.

15.12 Conditions applied to driver licences

It is not possible to apply conditions to hackney carriage driver licences. Local hackney carriage driver standards are instead regulated by local byelaws. A copy of the hackney carriage byelaws can be found at appendix 1.

Breach of any of the byelaws is a criminal offence carrying a penalty of up to £500 on conviction.

Conditions are applied to private hire driver licences. A copy of the conditions currently applied can be found at appendix 2.

Breach of licensing conditions is both a criminal offence and a licensing offence and can result in enforcement action being taken against a licence holder.

16. Applications for Vehicle Licences

16.1 Hackney Carriage and Private Hire licences

Licensing authorities can issue two types of licence allowing individuals to act as hackney carriage or private hire drivers while driving appropriately-licensed vehicles.

The two licence types convey separate entitlements which do not overlap. A hackney carriage driver's licence allows the holder to drive a hackney carriage vehicle, but not private hire vehicles. A private hire driver's licence allows the holder to drive private hire vehicles, but not hackney carriages. Where an individual needs to drive both types of licensed vehicle, it will be necessary for them to hold both types of driver's licence. All licences (driver, vehicle and operator) must be from the same authority.

Hackney carriages are public transport vehicles which are licensed to "ply for hire". They can:

- carry passengers for hire or reward
- be hailed by prospective passengers in the street
- park on a rank to await the approach of passengers.

Hackney carriage vehicles can be found at the ranks around Watford and they can be hailed in the street. These vehicles have a roof light with the word TAXI on them. They have a white plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

Private hire vehicles are part of the local transport network. However, a private hire vehicle cannot ply for hire or stand in a rank. It must be pre-booked via a private hire operator.

They have a yellow plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration. These vehicles are not insured to ply for hire.

16.2 Specifications and Conditions

Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles. The Department for Transport guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

The Council has the power under sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public and it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

This part of the Policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching licence conditions to all hackney carriage and private hire vehicle licences at the time of grant.

Except where explicitly highlighted in the sections of the policy, sections apply equally to both hackney carriage and private hire vehicles. Where sections differ this is stated in the policy and will be reflected in the specific conditions attached to each type of licence.

16.3 Accessibility

16.3.1 In 2014 Watford Borough Council commissioned a report into accessibility in the taxi and private hire trade in Watford. This report led to a series of recommendations and improvements and, following a decision of the Licensing Committee in 2017, the beginning of the ongoing Accessible Transport Project. This vehicle licensing policy is directly linked to the continuing objectives of the Accessible Transport Project.

The Council is committed to championing equality and embracing diversity across the full range of our services, whether we deliver the service ourselves or through partnership, or regulation, and in our role as an employer.

The following two statements are taken from the Equality and Human Rights Commission report of 2017,

“Access to transport is an important part of independent living and participation in family and community.”

“Poor access to transport, leisure and other services can affect the community and social life of disabled people, creating a barrier to independence and their enjoyment of day-to-day activities.”

Elliot Dunster, Group Head of Policy, Research and Public Affairs at the charity Scope, in submissions to the House of Lords Select Committee, said,

“Taxis and private hire vehicles are not just issues for people with physical disabilities; people with mental health problems or learning disabilities or autism are much more likely to use taxis or private hire vehicles if they cannot use public transport for a variety of reasons.”

In his foreword to the Department for Transport’s Inclusive Transport Strategy, the Chair of the Disabled Persons Transport Advisory Committee, Keith Richards said,

“DPTAC’s vision is that disabled people should have the same access to transport as everybody else, to be able to go where everyone else goes and to do so easily, confidently and without extra cost.”

Lastly, the recent Task and Finish Group headed by Professor Mohammed AbdulHaq, published in Sept 2018 said of accessibility and any proposed standards,

“Evidence received by the Group highlighted that consideration of accessibility needs is essential in any reform of the sector. If the Government enacts national standards, accessibility considerations should be an integral part of their development, not a mere add-on. In the short term, it is important that licensing authorities use the powers they already have to improve access and passenger experience.”

The Guidance suggests that different accessibility considerations should apply between hackney carriages and private hire vehicles because hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver, whereas private hire vehicles can only be booked through an operator. Given the above statements from leading authorities on accessibility, the Council considers accessibility to be a leading consideration for both vehicle types and it is recognised that there is no one specific type of vehicle which provides full accessibility for all.

The Council considers it particularly important that a disabled person should be able to hire a suitable accessible vehicle with the minimum delay or inconvenience whether on the rank or by pre-booking through an operator. Having an acceptable proportion of accessible hackney carriages and private hire vehicles available helps ensure that this is possible; therefore the Council will actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010, particularly the council’s duty under section 149, Equality Act 2010, and any subsequent equalities legislation.

Section 187 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council’s desire to provide accessible transport for those with disabilities, all wheelchair accessible hackney carriages and private hire vehicles will be designated for this purpose. Please find this information online at www.watford.gov.uk/wav

Drivers who, for medical reasons, are unable to accept passengers who use wheelchairs or have assistance dogs are able to apply to the Council for an exemption certificate. Such a

certificate is only issued on production of appropriate medical evidence. Exemption certificates, which show the photograph of the driver, which must be displayed in the vehicle at all times whilst licensed as a hackney carriage or private hire vehicle. In the absence of a medical exemption certificate from the Council, it is a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog or a passenger with a wheelchair, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog or wheelchair user.

16. 4 Environmental Considerations

On 9 July 2019 the Council passed a motion declaring a climate emergency and committed to doing all it could to ensure Watford is carbon neutral by 2030.

Councillor Ian Stotesbury, elected member for Callowland Ward and member of the Hertfordshire Sustainability Forum, commented,

"Climate change is a universal threat, and a threat of our own making. We must continue to be bold and truly lead on this crucial issue. By doing so we can help our residents reduce their bills, help clean our air, and improve access healthier modes of transport.

"We can support local ecology, biodiversity and bring natural beauty to new areas. I'm really proud that we have been able to declare a climate emergency. It's important we act now, before it is too late."

In June 2019 the UK government became the first government of a major nation to pass legislation (by amendment of previous law) committing to a 'net-zero' carbon output by 2050.

A November 2018 report by the Intergovernmental Panel on Climate Change stated that, in order to keep global warming to 1.5 degrees, emissions of harmful gases would have to be cut by around 45% by 2030, aiming for net-zero by 2050.

Guidance issued in relation to the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 lists minimum emission levels for petrol and diesel cars accessing designated Clean Air Zones.

The Council have also given careful consideration to the recommendation in the Department for Transport guidance of 2010 that, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and, in-line with council policy, considers its responsibility in protecting the environment to be a predominate factor within licensing policy.

It is clear that emissions from vehicles contribute a significant volume of gases that are harmful to the environment and to health. Air quality complaints in Watford are increasingly linked to locations where taxis and private hire vehicles wait, often with engines running.

The single biggest factor in controlling this is to strictly control factors determining the licencing of vehicles. It is also true that emissions could be further reduced through education and raised awareness of environmental issues. Simple measures such as better and more frequent vehicle maintenance and servicing; or switching off engines when stationary or idling, particularly at hackney carriage ranks, can make a significant environmental impact considering the number of licensed vehicles.

The Council strongly encourages the use of cleaner, low emission vehicles as hackney carriages or private hire vehicles and will continue to offer a reduced licence fee for electric vehicles.

16.5 Limitation of Numbers

Hackney Carriage Licences

On 19 March 2012 the Council set a maximum limit of 304 hackney carriage vehicle licences. This limit is a descending limit. When a licence is surrendered or revoked, the limit shall decrease by the number of licences which were surrendered or revoked.

Any exception to this strict policy is considered on a case-by-case basis by the Group Head of Community & Environmental Services in consultation with the Chair of the Licensing Committee.

This decision to limit numbers was taken following an unmet demand survey which found that there was no significant unmet demand.

The council is confident there remains no unmet demand. Since 2012 the number of licensed hackney carriage has decreased and at the time of adoption of this policy stood at 278.

However, the council is mindful that no further survey has taken place since 2012 and that to impose a limit is contrary to best practice.

Therefore, in view of the need:

not to restrict applications against best practice, but not to significantly increase the number of licences where there is no unmet demand, to support the council in achieving its goal of net-zero carbon emissions by 2030, and to improve the provision of wheelchair accessible vehicles

in addition to an exemption agreed on a case-by-case basis by the Group Head of Community & Environmental Services in consultation with the Chair of the Licensing Committee (current policy), the council will consider applications for new hackney carriage licences where the vehicle is:

A wheelchair accessible vehicle, and; Zero emission capable, and; Displays the approved Watford Borough Council livery

Private Hire Vehicles

No powers exist for licensing authorities to limit the number of private hire vehicles that can be licenced.

16.6 General duties of Proprietors

16.6.1 Applications

Applications must be made in accordance with the Policy.

Applicants are required to make a booking online and details of this process and the testing procedure can be found online at:

www.watford.gov.uk/vehicle

Applicants for a vehicle licence must be at least 18 years old.

16.6.2 Disclosure and Barring Service

Applicants for a vehicle licence who are not already licensed drivers or operators will be required to submit a basic disclosure and barring service check at the time of making the application. Applicants must apply for the basic disclosure themselves. The check must be no more than 3 months old at the time of submitting the application for a vehicle licence.

16.6.3 Renewals

All vehicle licences are granted for a maximum of 1 year or until the expiry of the current MOT if less than 1 year until expiry.

An application for renewal of a vehicle licence must be received before the expiry of the current licence. If a renewal application is received after the expiry of the current licence then that application shall be treated as a new application.

If an application for a hackney carriage licence renewal is received after the expiry of the current licence then that licence will have expired and no new licence can be granted under the limit imposed except under conditions listed in section 5 of this policy.

A delay in renewal following expiry is only acceptable in the following circumstances;

- a. Unavoidable due to accident at the time of renewal leading to a requirement to purchase a new car.

- b. A delay caused by the licence holder not being in the UK at the time of renewal but only where the licence holder has notified the licensing team in writing in advance of the current expiry date.

- c. Any other similar reason for delay where the licensing team has been notified in writing in advance of the current expiry date.

16.6.4 Fees

See the Council's website.

16.6.5 Details of driver to be held

Where the proprietor of a hackney carriage or private hire vehicle rents, lends, leases or otherwise provides the vehicle to another licensed driver, whether for payment or not, they shall take and keep details of the driver's council licence number.

16.6.6 Change of Address

Proprietors are required to notify the licensing authority of any change to the registered address where the vehicle is kept as soon as reasonable practical and in any case no later than 28 days from the change.

16.6.7 Maintenance of Standards

Vehicle licence conditions are intended to ensure that all vehicles reach a minimum safe standard. All vehicles are presented to the Council for licensing and all vehicles whilst licensed must comply with the Council's current Vehicle Licensing Policy.

Vehicles, once licensed, must be maintained in a mechanically safe and roadworthy condition, compliant with Council requirements, be kept clean and well presented. Failure to maintain a vehicle to an acceptable standard is a relevant matter when considering whether to grant, suspend, refuse or take any other action in respect of a driver, vehicle or operator licence.

When renewing a hackney carriage or private hire driver, operator or vehicle licence, the Council will take in to account a licence holders history of compliance with this policy.

16.8 Inspections and Enforcement

Under section 50 Local Government (Miscellaneous Provisions) Act 1976 the council has the power to inspect vehicles.

In accordance with the Environmental Health Compliance Policy 2018 – 2021 a proportionate response will be taken in instances of breaches of licence condition.

Where a licence condition is breached this will usually result in suspension of the vehicle licence until such time as the vehicle is inspected by an officer of the council and found to be safe to use.

Where sustained or multiple breaches occur, this may lead to prosecution of the licence holder or revocation of the licence.

16.9 Appeals

Where an applicant is aggrieved by a decision of the licensing authority to refuse, revoke or suspend a vehicle licence they have the right of appeal to the Court in accordance with sections 300-302 Public Health Act 1936 and section 77 of the Local Government (Miscellaneous Provisions) Act 1976.

Where the decision to refuse, revoke or suspend a licence is made the applicant or licence holder will be sent a notice explaining the reasons for the decision. This notice will include details of the rights of appeal.

16.10 Hackney Carriage Vehicle Intended Use Policy

Hackney Carriages licences were initially created in order to provide for public transport convenience within local areas.

In keeping with this intended use Watford Borough Council has a policy to determine whether or not the grant of a licence would unfairly impact upon another potential applicant if that vehicle is not actually going to be used predominantly within the borough area.

This is particularly important in Watford where a cap is maintained on the number of licences that can be issued.

Applicants for a new hackney carriage vehicle licence will be expected to demonstrate a bona fide intention to ply for a hire within the administrative area of Watford Borough Council under the terms of the vehicle licence for which the application is being made.

There will be a presumption that applicants who do not intend, to a material extent, to ply for hire within the administrative area of Watford Borough Council will not be granted a hackney carriage licence authorising them to do so.

16.11 Dual Licensing

Dual licensing or ‘plating’ of a vehicle presents a number of practical issues.

The first arises in that once licensed as a hackney carriage, a vehicle is always a hackney carriage and therefore cannot also be licensed as a private hire vehicle.

The second concern arises in that licence conditions can differ significantly from one authority area to another. It is therefore very difficult to ensure that all conditions are being met as some may be contradictory, for example a requirement to display a local telephone number.

For these reasons any vehicle already licensed with another Licensing Authority as a hackney carriage or private hire vehicle will not be licensed by the council.

Licences granted to vehicles later found to be licensed with another Licensing Authority will be revoked.

16.12 Hackney Carriage and Private Hire Vehicle Specification

16.12.1 Vehicle Type Approval

Vehicle Type Approval is the confirmation that all production samples of a particular vehicle design will meet specified performance standards.

The council will only consider licensing vehicles which have type approval in the category M1. This type approval must be shown on the V5 registration document.

It is acceptable for converted, low volume or imported vehicles to be type approved under any of the following schemes:

European Whole Vehicle Type Approval (EWVTA)

National Small Scale Type Approval (NSSTA)

Individual Vehicle Approval (IVA)

Vehicles tested under the IVA 'basic' scheme will not be licensed.

A vehicle tested under the statutory IVA 'Normal' inspection criteria will usually be accepted but the applicant will be required to provide any additional information concerning the testing of the vehicle as reasonably required by the licensing officer.

Applicants seeking to licence a vehicle approved under IVA are advised to contact the licensing authority before purchasing the vehicle.

Applicants submitting a vehicle for licensing that they have imported, including one approved under EWVTA, must have the vehicle tested as 'Normal' under the statutory IVA scheme.

16.12.2 Vehicle Design and Size

Hackney carriages must be either:

a purpose-built wheelchair accessible hackney carriage, or a professionally converted vehicle which is capable of carrying a passenger whilst sitting in a wheelchair (providing such vehicle has the appropriate approval certificate per section 12.1); or

a saloon, hatchback, estate or multi-purpose people carrier with at least 4 doors and sufficient luggage space to carry a folded wheelchair.

A **Private Hire Vehicle** must be:

a saloon, hatchback, estate or multi-purpose people carrier with at least 4 doors and sufficient luggage space to carry a folded wheelchair,

a purpose built wheelchair accessible vehicle (providing such vehicle has the appropriate approval certificate per section 12.1) but not one that looks like a taxi (i.e. with in-built roof light).

There must be reasonable space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.

Knee Space: there must be reasonable space between the front, back (and rearmost) seats to safely accommodate the driver and passengers in reasonable comfort.

16.12.3 Age Limits for vehicles at first time of licensing

All time periods are given from the date of first registration.

Hackney carriage or a private hire vehicle (of any design) powered	no more than 7 years old at the date of application.
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only by an internal combustion engine (traditional car engine)	
Hackney carriage or a private hire vehicle (other than a wheelchair accessible vehicle) powered by a petrol/electric-hybrid engine	no more than 7 years old at the date of application.
Hackney carriage or a private hire vehicle which is a fully wheelchair accessible vehicle powered by a petrol/electric-hybrid engine	no more than 9 years old at the date of application
Hackney carriage or a private hire vehicle (of any design) powered by an electric motor with or without on-board range extending generator	no more than 9 years old at the date of application

16.12.4 Maximum Age of Vehicle before Replacement/Emission Standards

The Department for Transport Best Practice Guidance 2010 reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate.

Keeping a vehicle in good mechanical condition prolongs the life of the vehicle, helps to reduce the overall lifetime carbon footprint of that vehicle, ensures clean combustion of fuel and reduces emissions caused by reduced vehicle efficiency (worn suspension, tyres etc leading to lower miles per gallon (MPG)).

The council also recognises that there is a significant difference between old diesel vehicles and new, euro 6 diesel engines, which have low levels of emissions at a comparable level to their petrol counterparts. However, in spite of new vehicle emission requirements, real world emission testing suggests these levels are still exceeded in day to day driving conditions and regular maintenance and repair remains an integral part of reducing

pollution. New MOT emission testing requirements introduced in May 2018 were intended to improve the accuracy of real world emission testing and to ensure that as a vehicle ages, it does not significantly increase the pollution it produces.

The maximum age limits imposed by this policy on existing licensed vehicles are therefore considered necessary and proportionate to protect the environment and, in doing so, public safety by encouraging proprietors to licence newer less polluting models which will have no maximum age limit imposed upon them

At time of licensing, from below date:

01 April 2022	No vehicle first registered with the DVLA before January 2006 will be licensed or re-licensed.
01 April 2025	Any vehicle using diesel or petrol fuel only (or diesel or petrol alternative such as biofuel/LPG) must be rated as at least Euro 6. Any petrol/electric hybrid must be at least Euro 5.

Any existing licensed vehicle that does not comply with European Community Whole Vehicle Type Approval (ECWVTA) or equivalent (section 12.1) will not be licensed past 31 March 2020.

16.12.5 Zero Emission Capable/Hybrid/Electric

The council recognises that there are currently some limiting factors restricting uptake of fully electric vehicles. These include cost, range on a single charge and charging infrastructure.

The council is also mindful that some hybrid vehicles have very limited range on full electric setting and that when running on petrol the efficiency of these engines is not as good as some pure ICE powered vehicles.

The Council will licence electric, hybrid or similar fuel economy vehicles, providing they are of such design as to be able undertake a full range of journeys within the district, whilst carrying the maximum licensed number of passengers and associated luggage and are not in conflict with the current vehicle emissions policy.

Where an internal combustion engine or generator provides alternative power, the generator must meet the required euro emission standard for the fuel type used, including where alternative fuels are used.

16.12.6 Alternative Fuels

All fuel types are permitted providing that the fuel type complies with national safety regulations and the relevant required euro emission rating for petrol or diesel is reached as a minimum.

A vehicle which is converted to LPG or any other approved alternative fuel must supply proof that the conversion has been properly carried out by competent person or business carrying out such conversions and certificate of installation must be produced.

A vehicle powered by LPG or other approved alternative fuel, which does not have a provision for a spare tyre, must carry a suitable means to repair punctures (see section 12.9 on tyres).

The V5 document must show the correct fuel type.

Changes to the fuel type used must be notified to the licensing authority within 7 days of conversion and the certification of installation provided. Appropriate time will be allowed for the change to the V5 document.

16.12.7 Number of Doors

Vehicles must have at least 4 doors with 2 on either side of the vehicle.

All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

All vehicles, including multi-purpose vehicles, must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

16.12.8 Number of Seats

Vehicles must have a minimum of 4 passenger seats and a maximum of 8 passenger seats.

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 not including the driver.

Where a logbook shows more seats than the physical number of seats in the vehicle, the driver will be required to address this issue. The logbook must accurately reflect the vehicle. In terms of size, any modifications, seating capacity, colour, and all other details which are recorded within the logbook.

16.12.9 Tyres/Spare Wheels/Puncture Repair

Proprietors must ensure that the vehicle has, at all times, appropriate equipment and/or tools to repair or replace a punctured or damaged tyre, or a policy or maintenance contract with a supplier who can attend to repair the vehicle or assist in repair of the vehicle (i.e. by towing to a garage).

The vehicle tyres including the spare must be all radial or all cross ply construction.

16.12.10 Left Hand Drive Vehicles

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.

16.12.11 Body work

The vehicle must be maintained in a manner satisfactory for public service at all times, without evidence of corrosion, damage, unsatisfactory repairs and/or unsatisfactory modifications.

Keeping a vehicle in good condition is important to promote service excellence and to demonstrate to customers that passenger safety is of the highest concern.

The vehicle must not have:

Dull paintwork/mismatch of paint.

A single rust scab or blemish larger than 10mm x 10mm.

Dents over 40mm in diameter at its widest point and over 2mm deep.

A scratch over 300mm long.

Visibly poor or unsatisfactory repairs or modifications

The following standards shall apply for testing and compliance:

Paintwork – all panels on all vehicles shall be painted in the same colour without significant runs or blemishes.

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Panels with unmatched colours or primer must be repaired to ensure a match before a licence will be granted. Scuffed or significantly scratched paintwork, even where a single scratch is not over 300mm, must be repaired before a licence will be granted.

Scuffed or significantly scratched paintwork, even where a single scratch is not over 300mm, will result in suspension of the licence until repaired.

Rust – any vehicle should be free from any significant areas of visible rusting. Minor blemishes should be monitored for progression. Any vehicle with a rust patch of more than 10mm x 10mm must be repaired before a licence will be granted.

A rust patch of 10mm x 10mm on a licensed car will result in suspension of the licence until repaired.

Dents – any vehicle with one or more dents of more than 40mm in diameter and 2mm in depth at the deepest point in any one panel length must be repaired before a licence will be granted.

One or more dents of the specified size will result in suspension of the licence until repaired.

Scratches – any vehicle with one or more unrepaired scratches of more than 300mm must be repaired before a licence will be granted.

One or more scratches of the specified size will result in suspension of the licence until repaired.

16.12.12 Cleanliness

The exterior of the vehicle must be kept 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.

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.

The interior of the vehicle must be kept in a suitable and clean condition at all times without accumulations of dust, dirt, litter, general debris, staining, excessive unpleasant odours or excessive wear.

Seat cushions and back rests must be adequately maintained in good condition and offer proper support to passengers.

16.12.13 MOT/Insurance/V5

Vehicles will not be licensed unless:

(1) there is in force a current private hire or hackney carriage insurance policy compliant with the Road Traffic Act 1988;

(2) a valid MOT certificate is in force (issued within the previous 30 days), for vehicles registered with the DVLA for 12 months or more at the time the vehicle is presented for licensing;

(3) it is registered with the DVLA;

(4) the vehicle is taxed (where applicable); and

(5) that an appropriate type approval certificate has been issued where necessary.

Any vehicle which is less than 1 year old when presented for licensing is not required to have passed an MOT. Any vehicle that is more than 1 year old when presented for licensing

(including renewals) must have passed an MOT before inspection, and this MOT must have been issued within the previous 30 days.

Where vehicles have recently been purchased, the new keeper's supplement of the logbook will suffice to show that the vehicle is registered with the DVLA or confirmation from www.gov.uk, in the form of an email, that the purchase or sale of the vehicle has been registered online.

16.12.14 Accident/crash repaired vehicles

Repair of accident damaged cars is not illegal. However, the Association of British Insurers: Code of Practice for the Categorisation of Motor Vehicle Salvage, updated October 2017, states the following:

This code gives advice on the steps to be taken in the categorisation of vehicle salvage and recovered stolen vehicles. The purpose of the Code is to protect the public, detect and deter insurance fraud and other criminal activities and to make vehicle histories more transparent. This is increasingly important as vehicle design and technology becomes more complex.

In line with recommendations in this guidance, it is expected that vehicles categorised as A or B write offs will have been disposed of. Only vehicles categorised as N or S insurance write offs may be presented for licensing.

Applicants must produce an engineer's report detailing the repairs made to the vehicle.

Where a V5C has comments in the special information section concerning previous accidents or repairs or any comment that gives rise to concerns over the safety of the vehicle it shall be the duty of the applicant to provide additional information to satisfy the authority that the vehicle is safe to be licensed

16.12.15 Autonomous Vehicles/Assistive Technology

The five levels of autonomous vehicle are categorised by level by the Society of Automobile Engineers.

Application for licenses for vehicles capable of and intended to be, for any period of time, operated autonomously at levels three, four or five (as defined) will be considered on a case by case basis.

In general a vehicle that cannot be driven by a human being (i.e. level five autonomous - without a steering wheel) **shall not** be considered for use as a licensed vehicle on public roads.

In general any vehicle capable of operating autonomously will only be licensed where it can be shown that the driver will remain in control of the vehicle and that there are systems in the vehicle that monitor the driver's performance.

Vehicles with driver assistive features such as radar controlled assistive braking, cruise control and parking will be permitted.

Assistive Technology must not be used to allow the driver to relinquish control of the vehicle at any time when carrying passengers.

16.12.18 Tinted Windows

Window tints are only permitted as long as they are allowed within normal MOT tolerances.

These tolerances are found in Road Vehicles (Construction & Use) Regulations 1986 and are, for vehicles first used after 1985:

Front windscreen – must allow 75% light through

All other windows – must allow 70% light through

If the vehicle already has a licence and is to be modified to include a window tint, permission must be obtained from the licensing authority first.

16.12.17 Luggage

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 furthest 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 foot-well on the passenger side provided that any seat in this location is not occupied by a passenger.

Proprietors 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.

Proprietors must not carry any tools or other equipment in the luggage compartment unless related to maintenance of the vehicle and securely stowed.

Proprietors 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.

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

16.12.18 Vehicle Modifications

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

16.13 Equipment

16.13.1 Hackney Carriage Meter

Under byelaws set by the Council, and in keeping with almost every licensed authority area in England and Wales, Hackney Carriages are required to use a meter to charge customers. The meter rate is set by the Council in consultation with the public and stakeholders.

The byelaws list a number of requirements for the use of the meter and how the meter should function. In addition to the byelaws the following conditions apply to the vehicle licence:

A meter must be fitted to all hackney carriages and must be fitted securely

Proprietors must only use a taximeter of a type, and secured in a position, approved by the Council's officers.

The meter must be visible from the rear passenger seats, and must not interfere with the safe operation of the vehicle.

The meter must be sealed, without showing signs of tampering or misuse.

The taximeter must be calibrated to the tariff set by the licensing authority, and must not show any other tariffs.

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

16.13.2 Private Hire Meter

Private hire vehicles are not required to use a meter but in Watford almost all do.

If a vehicle does not have a meter fitted then it will be for the operator and proprietor to determine the manner in which a charge will be calculated. Under separate regulations this charge or manner of charging must be discussed and agreed with the customer at the time of booking.

Proprietors may use a meter in a private hire vehicle providing it is secured in a safe and clearly visible position.

16.13.3 Credit/Debit Card Machines

The council recognises that there is significant increase in the number of customers wishing to pay for journeys by card. Card machines have many advantages. They reduce the amount of cash carried by drivers and they prevent customers having to visit cash machines or to leave valuable items as deposits with drivers if the money to pay for the journey is at home.

There are a number of passengers who may not wish to pay by card for various reasons including reasons of accessibility.

A debit or credit card machine of the proprietor's choice may be installed.

If a card machine is advertised as in use it must be available for every passenger unless a fault prevents its use.

16.13.4 Non-Factory Fitted Equipment

Proprietors 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

No equipment can obstruct driver or passenger movement in or out of the vehicle, affect passenger comfort, obstruct the driver's vision, or impede the driver's ability to control the vehicle.

Proprietors must notify the Council before installing any non-factory fitted equipment so that the equipment and proposed position may be tested in relation to safety and comfort.

The vehicle must not be used before approval has been given.

If the vehicle already has a licence and is to be modified to allow the use of a PDA, radio, or other such equipment, permission must be obtained from the licensing authority first.

Proprietors must ensure that equipment installed does not interfere with the electronic systems of their vehicle or other vehicles on the road.

16.13.5 First Aid Kit

Proprietors may carry a first aid kit for their use if they choose to do so. Where a proprietor carries a first aid kit they must:

- Ensure it meets the requirements of the Health and Safety (First-Aid)

- Regulations 1981

- Keep an accident reporting log in the vehicle

16.13.6 High Visibility Safety Vests

Breakdown by the side of a major road or motorway carries with it a significant risk to passenger and driver safety.

A number of fluorescent/high visibility safety vests equal to the carrying capacity of the vehicle must be carried for use by passengers and driver in an emergency situation.

16.13.7 Fire Extinguishers

The byelaws for hackney carriages require that a fire extinguisher be carried. However, it is recognised that advice from the fire brigade in most cases of vehicle fire are that passengers and drivers should evacuate the vehicle and move away to a safe distance. Furthermore, the size of the fire extinguisher currently carried by most licensed vehicles is insufficient to put out a serious vehicle fire. The value of carrying a fire extinguisher is therefore questionable. Nevertheless, on balance it is reasoned that carrying a fire extinguisher is generally worthwhile given the small size and low cost of an extinguisher that may prove useful.

Vehicles must carry a well maintained fire extinguisher of a size deemed appropriate by the proprietor.

Extinguishers must be securely stored in the vehicle in a fixed and easily accessible location.

16.13.8 Defibrillators

Vehicle proprietors may carry a defibrillator if they choose to do so. Where a proprietor carries a defibrillator they must:

Receive satisfactory training in the use of the machine and provide certificated evidence to prove training.

Obtain the defibrillator from a recognised supplier of genuine quality machines and proof of purchase will be required.

Mount the defibrillator securely in a location where it cannot be accessed by passengers unless directed.

16.13.9 CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the driver and passengers by:

Deterring and preventing the occurrence of crime.

Reducing the fear of crime.

Assisting the Police in investigating incidents of crime.

Assisting insurance companies in investigating motor vehicle accidents

The Guidance recommends that licensing authorities look sympathetically at the installation of security measures in licensed vehicles, including CCTV systems, as a means of providing some protection for vehicle drivers.

CCTV in a licensed vehicle can benefit the trade by deterring and preventing criminal activity within a licensed vehicle, reducing the number of customers who fail to pay or abuse drivers and, where incidents have occurred, by providing information to assist the police in taking action. Insurance companies investigating insurance claims are also assisted by CCTV and this may have the added benefit to drivers by reducing their insurance premiums.

Whether CCTV (or other enhanced security measures) are installed or not, the hackney carriage and private hire vehicle trades are encouraged to build good links with the local police force, including participation in any Community Safety Partnerships or equivalent.

In April 2019 the DfT consultation on proposed statutory guidance sought views on a condition to make CCTV mandatory within licensed vehicles. In their response to this consultation, the Surveillance Camera Commissioner commented,

“Blanket licensing may be disproportionate and should only be used where there is a strong justification”

The Council recognises that there are benefits to the trade (as well as passengers) where CCTV is installed in licensed vehicles. However, in line with the comments of the

Surveillance Camera Commissioner and the Code of Practice concerning the use of CCTV, the Council does not feel that it should be a requirement of the licence at this time.

It is considered that the undertaking of such measures should be left to the judgment of individual operators, owners and drivers who are best placed to make the necessary decisions on safety, privacy and customer service.

There are data protection implications arising from the use of such surveillance and proprietors of licensed vehicles are responsible for ensuring that installed CCTV conforms not only to the Council's requirements but also any relevant applicable Data Protection legislation.

Proprietors may install CCTV, both internal facing and external facing.

Where CCTV is installed, the following conditions must be met:

1. That the appropriate person responsible for the camera is registered as the Data Controller under Data Protection legislation and is responsible for ensuring compliance with that legislation;
2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO);
3. The footage must remain "tamperproof" and be accessible only to the proprietor or a responsible third party;
4. Vehicles must display adequate signage notifying customers of the use of cameras, how long data is stored for and how customers can access the data;
5. Drivers must provide example documentation of a CCTV usage policy, Privacy Impact Assessment and Subject Access Request application.
6. Drivers must provide an in date copy of their ICO registration certificate

16.13.10 Safety Screens

Proprietors may install a safety screen. Where a safety screen is installed, proprietors must:

Provide evidence of safe installation

Provide evidence of notification to, and approval by, the company insuring the vehicle

16.13.11 Vehicle Tracker

Theft of new vehicles is rising, particularly those operated by keyless technology. Many are stolen for parts. Vehicle trackers can provide peace of mind for owners.

Proprietors may install a vehicle tracker.

Where a tracker is fitted it must be installed by a competent professional and proof of installation will be required.

16.13.12 Receipts

Offering a receipt to a customer rather than waiting to be asked is an important element of customer service. Customers with disabilities or vulnerable passengers may not want to ask the driver for a receipt but may find the information helpful, particularly in keeping track of payments and in booking future journeys. Blind or visually impaired passengers may want to know the driver details.

The driver of the vehicle must offer to each passenger (or, if there is more than one passenger, at least one of those passengers) at the end of their journey a receipt containing 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.

16.14 Signage and Roof Lights

16.14.1 Vehicle Plates

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

The exterior licence plate and interior licence plate (also referred to as the detachable slip) issued by the Council must be clearly visible and the details legible at all times that the vehicle is being used for work.

Vehicle plates can only be displayed on a bracket attached to the rear of the vehicle. It is not acceptable to display a plate in the rear windscreen.

Plates may be attached permanently by way of fixing to the vehicle or by way of magnet. No other form of fixing is permitted.

The detachable plate slip must be displayed on the inside of the windscreen and be visible to all passengers.

16.14.2 Door signs

Door signs are often vital tools for passengers to recognise legitimate taxi and private hire vehicles. The council understands that many operators now use text messaging systems to alert customers to the correct vehicle but this method does not assist all passengers, particularly those who cannot or do not use such technology. The council therefore considers door signs an important accessibility feature.

Hackney Carriages

Hackney carriages that do not display a livery (see section 14.5) must display door signs of a type and style approved by the Council's officers.

Signs must be attached to the front doors only.

Drivers 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.

Private Hire Vehicle

Private Hire Vehicle door signs must be pre-approved by the Council's officers.

At all times when the vehicle is in use for work door signs **MUST** be 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.

Signs 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".

Door signs must be maintained in a clean, readable and undamaged state.

16.14.3 Roof lights

Hackney Carriages

All taxis must display a roof light showing the word 'taxi' on the front.

In the case of magnetic lights used on vehicles other than purpose built taxis, the words 'taxi' or 'for hire' must appear on the rear of the sign.

The roof sign must be maintained in good working order.

The magnetic light must be securely attached

The roof-sign must be capable of being lit, and must cease to be lit when the taximeter is brought into operation.

Hackney Carriages 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

Private Hire Vehicles

Private hire vehicles must not have roof signs. This is to avoid confusion with hackney carriage vehicles.

16.14.4 Tariff Chart

Hackney carriages

The regulations concerning the display of fares are contained within the byelaws. Byelaw regulations shall not be duplicated but for purposes of inspection and grant of licence, a licence will not be granted where the tariff sheet is not on display at the time of inspection in accordance with the specification laid down in the byelaws.

Private Hire Vehicles

Private Hire Vehicles do not have to display a tariff chart but it is advisable that any additional charges, such as soiling fees or charges for luggage are made clear at the time the booking is made.

16.14.5 Large Driver Badge

You must make sure that there shall be displayed so that it is visible from all parts 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.

16.14.6 Advertisements

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

Applications for provisional approval of advertisements must be made in writing in the approved form to the Licensing Authority enclosing two copies of all the proposed advertisements in full colour.

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An application for full advertising must be accompanied by full colour three view art work and the licensing authority shall be entitled to retain all material submitted with the application.

All applications for provisional approval of advertisements will be considered by the Council's licensing officer, who if satisfied as to the non-contentious nature of any application shall grant the application; if the Council's officer is not so satisfied then any such application will be submitted to the Head of Community Protection for consideration.

The Proprietor remains responsible for the content of any advertisement displayed on their vehicle, whether internal or external. It remains the license holder's responsibility to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority irrespective of any consent to display the advertisement which may have been given by the licensing authority.

Each application will be considered on its merits, but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; display nude or semi-nude figures; advertise tobacco products; are likely to offend public taste; depict men women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.

Prior to displaying any advertisements the holder of the licence shall present the vehicle, fitted with the advertisement or livery, for final approval. Until final approval is given an advertisement cannot be displayed or in the case of a full livery hackney carriage the vehicle cannot ply for hire.

Advertisements will be checked at the annual and random inspections of the vehicle but if a licensee wishes to materially change or amend an advertisement during the course of the year, the licensee of the vehicle must notify the council.

The following conditions apply with regard to advertisements.

1. All liveries must be approved by the Council and proposals must be accompanied by full colour, three view artwork. The vehicle must be presented at the Council offices for inspection of the finished livery.
2. No secondary advertising is permitted, whether in the form of the company logo preparing the vehicle or the name of the advertising agency.
3. Damaged or unmatched panels are unacceptable and will not be acceptable for re-licensing/renewing in this condition.
4. No part of the advertisement shall appear on any windows so as to obstruct or interfere with, or of the vision of the driver and/or passengers.
5. Window graphing, scrolling advert or hubcaps advertising not permitted.

16.14.7 Livery

Until 2010 Hackney Carriages in Watford were required to display a livery. This requirement was removed but it is the opinion of the council that for reasons of safety, accessibility and recognition, a livery would be advantageous.

However, it is also recognised that the services offered by hackney carriages in Watford are many and varied and a livery may not suit every proprietor. Hackney Carriages now perform many functions traditionally undertaken by private hire vehicles, such as executive hire and corporate account work and in these cases, a livery may hinder the business.

In seeking to strike a balance, the council have introduced a voluntary livery. The livery shall standardise design to ensure that drivers who wish to take advantage of clearly advertising the high standards of Watford hackney carriages can now do so.

Hackney carriages may display a livery.

Where the livery is displayed it must be in accordance with the approved livery of black vehicle with yellow bonnet stripes, yellow boot stripes and yellow roof stripes to a standard colour code approved by the council.

There are no livery requirements for private hire vehicles. A private hire vehicle must not be modified to represent a hackney carriage through use of the livery.

16.14.8 Other Signage

Vehicles 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. Vehicles may only display the following window stickers or signs providing that they do not obscure vision:

- (a) the Council’s official plate (the detachable slip)
- (b) the name and telephone number of a Watford hackney carriage or private hire firm, recognised by the Council
- (c) an authorised parking permit
- (d) membership of a recognised motoring organization or a hackney carriage or private hire association
- (e) disability awareness signs.
- (f) If CCTV is in use, signs notifying customers of the use, storage and access must be displayed.
- (g) A sign advertising the availability of debit or credit card facilities

No other signage is permitted unless permission is expressly granted by the licensing authority on application

16.14.9 Exemptions from display of signage etc.

Hackney Carriage

Exemption from displaying the council approved door sign is only available where an alternative door sign of an approved design is displayed in the same place on the front doors. Applications for alternative door signs must be made in accordance with the requirements of section 14.6 (Advertisements). Applications will only be considered where the alternative sign is a form of advertising for a taxi firm or operator. There is no exemption from displaying a roof sign.

There is no exemption from displaying a vehicle plate.

Private Hire Vehicles

Door Signs

An exemption for the display of door signs is available.

An exemption for the display of door signs will only be granted where the proprietor can provide written evidence in support of the application from a company requesting to use their services without door signs. This evidence must be corroborated by the private hire operator.

Where an Exemption Certificate has been issued for the vehicle by the Council, and a magnetic sign applied instead to the driver's and front passenger door, that sign must meet the requirements stated in section 14.2 and in addition contain 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.

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.

Vehicle Plate

An exemption for display of vehicle plate is available.

An exemption for display of vehicle plate will only be granted where the vehicle is to be used exclusively for work under contract (as defined above) where bookings are:

made at least 24 hours in advance; references from clients supports the use of the vehicle where no plate should be displayed, and; payments for such bookings are made by invoice or account and evidence is provided by the private hire operator to support the application

In such cases where an exemption to displaying a plate is granted, the vehicle shall instead display a disc issued in its place. The disc shall be displayed in the front windscreen of the vehicle.

16.15 Wheelchair Accessible Vehicles

In addition to policy sections 1-14, the following applies to wheelchair accessible vehicles:

16.15.1 Type Approval and design

Wheelchair Accessible Vehicles must be professionally constructed or converted and tested conforming to M1 type approval under EWVTA, NSSTA or statutory 'normal' IVA.

Wheelchair Accessible Vehicles can be side or rear loading.

16.15.2 Restraints

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.

Anchorage must be provided for the both the wheelchair and wheelchair user to the latest industry standard. Restraints for wheelchair and occupant must be independent of each other.

16.15.3 Ramps

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.

Ramps which are removable must be permanently legibly marked with the registration mark of the vehicle for which they are provided.

16.15.4 Lifting Mechanism

Lifting mechanisms fitted to any licensed vehicle must conform and be tested in accordance with the Lifting Operations and Lifting Equipment Regulation 1998 (LOLER). Any costs associated with this requirement are the responsibility of the vehicle proprietor.

A valid compliance report conform to LOLER must be kept in the vehicle and be available for inspection.

16.15.5 Training

Where a vehicle is capable of carrying a passenger sitting in a wheelchair in the vehicle, the driver of the hackney carriage or private hire vehicle must demonstrate at the time of vehicle inspection on application an ability to use the equipment provided for the carriage of passengers. All drivers must attend a disability awareness course approved by the Council.

16.16 Stretched Limousines

In additions to policy sections 1-14, the following applies to stretched limousine vehicles. Section 12.10 (left hand drive vehicles) shall not apply.

Stretched Limousines are elongated saloon cars that have been increasingly used for mainstream private hire work plus special occasions such as days at the races, stag/hen parties and birthday parties.

Licensing authorities have generally considered there to be some problems which prevents stretched limousines from being licensed including:

- many of the vehicles are capable of carrying more than 8 passengers;
- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most are imported from the United States;
- many have been converted or modified after manufacture;
- due to their origin many parts may not be available making adequate maintenance difficult.

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Most limousines are imported for commercial purposes and are therefore required to pass a statutory Individual Vehicle Type Approval (IVA) test.

Most, if not all, cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency.

Stretched limousines can be licensed for private hire work providing they carry no more than 8 passengers and meet the requirements of the Local Government (Miscellaneous Provisions) 1976.

Possible exemptions under the Local Government (Miscellaneous Provisions) 1976 provide that nothing should:

- (i) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
- (ii) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
- (iii) apply to a vehicle being used in connection with a wedding.

Any stretched limousines, which are offered for private hire or which are not used for funeral and weddings will require a private hire vehicle licence.

In accordance with the Guidance, all applications for the licensing of stretched limousines as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousine type vehicles:

be granted an exemption from the requirement under this policy at 12.10 for vehicles to be right hand drive where passengers have no access to the driver and forward compartment;
and

be approved for licensing as private hire vehicles subject the general conditions of sections 1-14 of this policy and the additional conditions as follows:

- a. That no vehicle over 10 years old shall be licensed as a stretched limousine
- b. That applications are accompanied by the relevant IVA inspection certificate
- c. That vehicles are required to pass an MOT test every 6 months
- d. That the result of this MOT test be submitted to the licensing team at the time of the test

It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

16.17 Tuk Tuks, Rickshaws, Velotaxis and Pedicabs

Over recent years a number of licensing authorities across the country have received enquiries concerning the licensing of numerous types of small vehicle such as tuk tuks, rickshaws, velotaxis and pedicabs as private hire vehicles or hackney carriages.

Non-motorised vehicles cannot be licensed as private hire vehicles.

In order for applications for motorised vehicles to be determined applicants will be required to demonstrate how they propose to comply with this policy.

In respect of hackney carriages, which can be motorised or non-motorised, there are a number of issues that need to be considered including the current numerical limit on licences and wheelchair accessibility.

The driver of any hackney carriage and private hire vehicle needs to hold an appropriate drivers licence issued by the council and the same would be required were any other type of vehicle to be licensed.

Applicants wishing to licence any type of vehicle similar to a tuk tuk, rickshaw, velotaxi or pedicab should consider this policy and aim to demonstrate how they propose to comply with the relevant requirements.

Any decision on the grant of such a licence will only be taken by the Group Head of Community and Environmental Services or the Head of Community Protection in consultation with the Chair of the Licensing Committee.

If the Council were minded to grant licences for tuk tuks, rickshaws or pedicabs appropriate conditions would need to be attached and these may be in addition to conditions imposed under this policy.

16.18 Other Novelty or Specialist Vehicle Types falling outside of this policy

The Council understands that there may be occasions where a unique vehicle is suitable for use as a licensed vehicle. This policy aims to give comprehensive advice but it is always possible that particular needs may not be met. Any vehicle not conforming to the regular standards required may be considered as a novelty or specialist vehicle on application.

Any person wishing to licence any vehicle that falls outside of this policy should apply in writing to licensing team giving reasons for the application.

An application must be accompanied by a full explanation of a business proposal and reasons as to why the grant of a licence should be considered.

Any decision on the grant of a licence to a specialist, classic or novelty vehicle will only be taken by the Group Head of Community and Environmental Services or the Head of Community Protection in consultation with the Chair of the Licensing Committee.

16.19 Any other reasonable matter

Where an inspecting officer has serious safety concerns caused by any aspect of a licensed vehicle or a vehicle presented or intended to be presented for inspection for the grant of a licence, be it material or mechanical in nature, they may refer the application to a senior officer for further advice and/or a decision. Until such time as a decision is reached, the application will not proceed.

16.20 Vehicle Licence Conditions

Specific conditions to be attached to vehicle licences can be found at appendices 5, 6, 7, 8 and 9.

17.0 Applications for Private Hire Operator Licences

17.1 Introduction

Operators form the backbone of the private hire vehicle regulatory system under the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority, and the location of the operator's base will determine the authority from which all other licences must be obtained.

The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles. Various legal cases have examined this definition in detail, as a result of which a wide range of businesses will require licensing under these provisions – the meaning will extend greatly beyond the provision of local 'minicab' services.

Operators play a key role in ensuring that the public are kept safe; that drivers are suitably trained, experienced and supported to deliver the best service possible and that vehicles are kept in a clean, safe and sound condition at all times. Although operators will generally have less direct contact with the public than drivers, their other duties in ensuring the safety of the public means that similar checks must be applied when considering applications for licences. The Council must be satisfied that prospective operators are fit and proper persons.

It is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for an operator's licence.

17.2 Fitness and propriety of applicants

In determining applications, the statutory test that must be applied is set out at section 55 of the 1976 Act. It states that the licensing authority “shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator’s licence”.

In accordance with the Interpretation Act, the term ‘person’ may apply to both individuals and bodies corporate and unincorporated. A company or partnership may apply for a private hire vehicle operator’s licence. We will apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. Therefore, private hire vehicle operators will be required to tell us of any change in directors or partners.

17.3 Application process

Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, because the Council must be satisfied as to the fitness and propriety of every applicant.

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required. If the right to work is time-restricted then further proof will be required to demonstrate continuity of right to work.

Applications must also be accompanied by a Basic Disclosure certificate for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in

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the full name of the relevant individual and must have been issued no earlier than 3 months before the date on which the application is made. Basic Disclosure certificates are required annually.

We will consider whether an applicant or licence holder with convictions meets the 'fit and proper' threshold by reference to section 16.

The requirement to provide a Basic Disclosure certificate will not apply to any applicant who holds a current private hire or hackney carriage driver's licence issued by us. These individuals have already been assessed in terms of their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Should the individual cease to hold a driver's licence a basic certificate will be required and you should apply for it immediately.

Applicants who are applying simultaneously for a driver's licence and have submitted an application, will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates have been received.

In addition to this, requests will be sent to the police to obtain any information that may be relevant when determining an application.

If any issues arise during the processing of the application, you will be given an opportunity to provide clarification, or to amend the application form.

When all required information has been received, the application will be determined. The following sections of this Policy set out details of how we will consider certain aspects of the application.

Licences will usually be granted for a period of five years. However, we can grant licences for a shorter duration, should this be considered necessary in the particular circumstances.

Operator's licences are non-transferrable. In the event of operation of a licensed business passing to a different person, the new owner of the business will need to apply for a licence.

Section 62 of the 1976 Act provides a power for us to suspend or revoke an operator's licence on various grounds, including:

- a) the commission of an offence or non-compliance with the 1976 Act,
- b) conduct on the part of the operator which appears to render him unfit,
- c) any material change in the operator's circumstances, or
- d) any other reasonable cause.

The Council may also prosecute an operator for any breaches, including failure to keep the prescribed records, or operation of unlicensed vehicles or drivers.

Where an application is refused, or a licence suspended or revoked, or if an operator is aggrieved by conditions added to his licence, a right of appeal to the Magistrates' Court exists. Details of how to exercise this right will be provided in our correspondence with the operator at the time of the decision.

17.4 Accessibility

Under the Equality Act 2010 the council must have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

It is very important that all service providers ensure they are complying with the requirements of the Equality Act 2010 and that the council does all it can to make sure this happens.

For this reason operators of private hire services and their staff are required to:

- undergo training in disability, equality and dementia awareness as detailed in section 17.11
- submit a copy of the company Equality Policy prior to the licence being granted.

17.5 Complaints Policy

It is important that operators do all they can to assist in the resolution of complaints about their service or about the service provided by drivers working for them or acting as agents on their behalf. Timely resolutions of complaints is important for customer service, well-being and safe-guarding purposes. Operators must accept that drivers acting as agents remain under their control and their responsibility when it comes to providing the best service possible for all.

Applicants must submit a complaints policy at the time of making their application. The policy must be comprehensive and easy to understand. Customers must be made aware of the options open to them to make a complaint about the operator.

Operators must notify us in writing of any complaints concerning a contract for hire arising from their business. This will help to protect them against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification should include the action taken, or proposed, as a result of the complaint.

17.6 Timescales

An application for a private hire operator licence takes no less than 28 days. As with driver and vehicle applications, there is no maximum time limit where information must be sought to ensure an applicant or applicants are fit and proper.

Where an applicant does not supply all necessary information at the time of submitting the application or fails to respond to requests for clarification of the application within a timely manner, the application may be rejected as incomplete and a refund made of any fee paid.

17.7 Dispatch Staff

Operators are required to keep a register of all staff that will take bookings or dispatch vehicles. Operators must ensure that all persons that have access to their records, bookings and contracts have:

- a) A basic disclosure check and completes a statutory declaration in relation to previous offences before being commencing employment; and
- b) Completes a new Basic Disclosure at the time when the operator's licence is renewed.

Anyone with access to the operator's records bookings and contracts, whether directly employed or otherwise, must satisfy the suitability standards set out in section 18 of this policy. The operator must keep records of such checks.

A record that the operator has had sight of a Basic Disclosure check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains working for the operator taking bookings or dispatching vehicles. Should an employee cease to work in this role and later return to work in this role, a new Basic Disclosure certificate should be requested and sight of this recorded.

17.8 Records

In order to safeguard the public, drivers and operators it is important that records are stored and shared in a timely manner. This partnership working is a feature of the private hire regime and operators must understand their role in helping to support local community safety objectives.

For this reason operators are required to keep and make available certain records. This helps to trace, among other things, drivers, customers and lost property. The operator must keep certain records as listed in the attached Private Hire Operator Conditions which can be found at appendix 3.

The registers and records referred to in Private Hire Operator conditions can be kept in either paper format or electronically. The chosen format must permit inspection on demand and with the minimum of delay, and in any case within 24 hours, in response to a request made under section 56(3) Local Government (Miscellaneous Provisions) Act 1976. Where records are kept in electronic format, facilities must be available for records to be printed onto paper and to be made available to an authorised officer of the authority or a Police Officer within 24 hours.

The Operator or their controllers are required to produce all or any of the records specified in this policy or the conditions on request to any Authorised Officer of the Council or to any Police Officer for inspection on demand.

These records must be kept for a period of no less than twelve months.

17.9 Operating Bases outside the Borough of Watford

We will not grant a private hire operator licence for an operating base that is outside the Council's area. This is to ensure that proper regulation and enforcement measures may be

taken by us. This is not a restraint of trade as the operator may apply to the local authority responsible for licensing where the proposed operating base is located.

17.10 Operating Bases inside the Borough of Watford

A private hire operator licence issued by us will be required for any operator with an operating base that is inside the Council's area. Accordingly, all vehicles and drivers operating from that base will require appropriate licences issued by us. This is to ensure that proper regulation and enforcement measures may be taken by us and that all vehicles operating with Council's area meet the Council's Policy objectives.

17.11 Address from which an Operator may operate

When a private hire operator licence is granted, we will specify on the licence the address from which the operator may accept bookings and despatch vehicles. This address will usually be the address stated on the application form.

The operator must notify us in writing of any proposed change of address during the period of the licence.

The operator must also provide proof of public liability insurance for the new premises, or sign a declaration that their new premises is not open to the public prior to a new licence being approved.

17.12 Training

All applicants for an operator's licence will be required to pass an approved course in disability awareness and safe-guarding before a licence will be granted. Operators will need to meet the cost of this training. If an applicant can show they have passed adequate

similar training they may be exempted from the training suggested by the Council. Details of the standards can be obtained from the Licensing Team.

Existing operators must attend update training every five years.

All training will include a written knowledge test.

17.13 Previous licences

During any licensing application, the Council can and will consider any licensing history relating to an applicant or operator that we consider relevant. For example, if an applicant has previously had a licence revoked, whether by us or any other authority, this may indicate an underlying issue with the fitness or propriety of that person. We may obtain any other relevant available information from the other authority.

Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by us when determining the application.

17.14 Planning Consent

Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice on planning permission from the Council's planning team prior to making an application for a licence or commencing the use of premises under a licence.

Planning officers can be contacted during normal working hours on email to planning@watford.gov.uk

Planning and licensing operate as separate regulatory regimes, and the absence of planning permission for a particular site will not prohibit the licensing authority from granting a licence. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

17.15 Insurance

In accordance with the Department for Transport's Best Practice Guide, we require proof that operators hold suitable public liability insurance, covering all aspects of their business before starting operations.

In particular, we recommend that operators hold policies in respect of public liability and employer's liability. The first will enable you to deal with any claims for damages arising from the activities of the business affecting customers and members of the public and the second will enable you to deal with any claims by persons employed or engaged by the operator, who are injured, become ill or otherwise suffer damages as a result of the business activities.

We cannot give advice as to which insurance policies or providers will be the most suitable.

It falls outside our remit to stipulate a suitable level of insurance to be held, or to take action against businesses who fail to secure appropriate policies. However, in the absence of an insurance policy any legal claims made against the operator could result in the individual proprietors of the business being held liable for any damages or legal costs incurred during proceedings, which could involve very large sums.

17.16 Communications and information security

In the course of their business, operators will be required to process and store personal data. The processing and storage of this data will fall under the provisions of Data Protection Legislation. These require the Operator to:

- a) take certain measures to ensure the security of that data,
- b) to prevent unauthorised breaches of the security, and
- c) to prevent use of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

Operators should be aware that they are likely to have to register with the Information Commissioner's office as a data controller.

For further advice on how and when to register, please see the website of the Information Commissioner's Office, at www.ico.org.uk

17.17 Trading names

Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, we will seek to prevent names which may offend. We will also prevent any names that may cause confusion in connection with the provision of private hire services already established in the area. The area includes areas beyond the Council's boundary if we feel that this is likely to lead to safety issues for neighbouring authorities and residents.

Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators. However, if the Operator also provides bookings to hackney carriages, a variation of the

permitted trading name including one of these terms, may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

Should concerns arise about the suitability of a trading name, we will discuss these with you and you will have an opportunity to respond or to amend your application.

In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- a) An expletive, derogatory or offensive term
- b) A term associated with inequality
- c) A term with political implications
- d) A registered trademark (unless the applicant can demonstrate a right to use that mark)
- e) The trading name of an existing Private Hire Operator, either licensed in the Borough, or trading in a neighbouring area
- f) The trading name used by a Watford licensed hackney carriage proprietor, where the proprietor has previously notified us of the use of that name and the name has been used regularly since
- g) A name which implies official recognition or endorsement by us or another regulatory body
- h) A term in any language other than English which when translated would fall within any of the preceding categories.

The operator must notify us in writing of any proposed change of name during the period of the licence, and obtain approval from the council first before using the name in any advertising literature or before displaying the name on the side of their vehicles (please also see the section on door signage under the vehicle licence conditions at section XX)

17.18 Sub-contracting of Private Hire Bookings

Legislation allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, either inside the same district or in a different district. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.

All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. They can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.

The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the subcontracted operator is based.

For door signs please see the Vehicle Licensing Section on page x-x.

Business card dispensers containing cards with the operator's contact details may also be utilised within vehicles. The only restriction is a requirement that they do not obstruct the safe operation of the vehicle.

Operators must ensure that where bookings are subcontracted sufficient safeguards are in place at the company who undertake to fulfil the booking. These safeguards must be equivalent to those imposed by conditions placed upon the operator.

17.19 Use of mobile applications

The use of mobile applications ("Apps") is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. We support the use of such innovation which has many potential public safety benefits.

17.20 Convictions

Please see section 18 - Fit and Proper, Guidelines on the Grant, Suspension and Revocation of Licences.

17.21 Disclosure of Convictions

Operators must inform us in writing within 48 hours if they or any partner in the business linked to the operator licence is arrested, formally interviewed as a suspect, charged with, or convicted of an offence, including traffic and speeding offences.

17.21 Conditions

Under section 55(3) of the 1976 Act, the licensing authority will attach to an operator's licence such condition as are considered necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions.

The schedule of conditions which will be attached to all operator licences are contained in Appendix 3.

Attaching these conditions does not prevent us from attaching any other condition considered necessary in response to specific issues that have been considered as part of the application. This power may be used to substitute conditions from the standard conditions with further conditions or adding more, or less, stringent conditions than the standard conditions.

18.0 Fit and Proper - Guidelines on the Grant, Suspension and Revocation of Licences

18.1 Introduction

18.1.1 This section of the policy provides guidance to all parties on the criteria that will be taken into account when determining whether or not an Applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire Driver Licence or an Operator's Licence.

18.1.2 Whilst criminal convictions play a significant part in the Council's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and police information etc.

18.1.3 In seeking to safeguard the public. The Council will ensure:

- That a person is a fit and proper person in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

18.1.4 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined but it has been alternatively described as "safe and suitable".

18.1.5 In determining whether a person is fit and proper to hold a driver's licence, those tasked with determining licences / applications are asking the following question of themselves:

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

18.1.6 In determining whether a person is fit and proper to hold an operator’s licence, those tasked with determining licences / applications are asking the following question of themselves:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

18.1.7 If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

18.1.8 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), or to assess the continued fitness of existing licence holders, the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work in the UK
- Medical fitness
- Standard of driving / driving ability

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- The conduct of the Applicant in making the application (e.g. whether they have acted with integrity during the application process, made a misleading statement or omission)
- The previous licensing history of existing / former licence holders

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies where appropriate.

18.1.9 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against council decisions

18.1.10 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the decision makers may depart from the guidelines. Any departure from the guidelines must be carefully considered and adequate reasoning should be recorded to explain the departure.

18.1.11 In this policy the word "Conviction" is to be defined as including convictions, formal or informal cautions or warnings, reprimands, bind overs, conditional or unconditional discharges and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant.

For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new

sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

18.1.12 In this policy the word “Applicant” refers to either new Applicants, or existing licence holders who are seeking renewal and existing licence holders who are the subject of periodic auditing or are having their licence reviewed by the Council. It also includes existing licence holders who are being considered by the Council as a result of offending activity having recently come to light.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered or new information has come to light.

18.1.13 In drafting this policy and considering responses to the consultation consideration has been given to the Human Rights Act 1998, particularly in relation to:

- Article 6 (right to a fair trial);
- Article 8 (the right to respect for private and family life); and
- Protocol 1, Article 1 (protection of property)

18.1.14 All decisions taken under this policy will be taken in accordance with the Human Rights Act.

18.1.15 The impact of this policy on the local community of Watford, both positive and negative, has been considered.

18.2. General Policy

18.2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the Applicant would be required to:

- a) Remain free of conviction for an appropriate period as detailed below; and
- b) Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the Applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

18.2.2 The standards and criteria set out in paragraphs 18.6 to 18.18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however it must only do so in wholly exceptional circumstances*. The otherwise good character and driving record of the Applicant or licence holder will not ordinarily be considered as exceptional circumstances.

18.3 Appeals

18.3.1 Any Applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].

18.3.2 Any Applicant who is granted a driver's licence and who feels aggrieved by any of the conditions attached to that licence can similarly appeal to magistrates' court

*Wholly exceptional circumstances will be decided by the Group Head of Community and Environmental Services in consultation with the Chair of the Licensing Committee.

18.4 Powers

18.4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

18.4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to take into account all convictions recorded against an Applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the Council will have regard to all convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

18.4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an Applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if an Applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- The number of offences i.e. lots of minor offences
- Circumstances of the individual concerned
- Any sentence imposed by the court
- Any comments made by the court or other information laid before the court

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- The Applicant’s age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the Applicant has intentionally misled the Council or lied as part of the application process,
 - Information provided by other agencies / Council departments.

18.4.4 Existing holders of driver’s licences are required to notify the Council in writing within 48 Hours of an arrest for, or on receiving:

- a driving licence endorsement
- fixed penalty notice
- warning
- reprimand
- police caution
- criminal conviction or
- other criminal proceedings.

To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications or at any time during the period of the licence when the information may come to light.

18.4.5 Applicants can discuss what effect a caution / conviction may have on any application by contacting the Licensing Section for advice. It is in the Applicant’s best interest to bring any relevant detail to the attention of the authority at an early stage. The time and effort involved in applying for a licence may be wasted if details come to light later

which mean the application should be refused. It may also be useful to understand the possible impact of an impending conviction/caution on an existing licence.

18.4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any Applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.

18.4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police. Examples of such information sources that may be used include social care information, benefits payments etc.

18.4.8 The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the council as licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

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The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for/being granted, a hackney carriage/PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at www.watford.gov.uk/NR3

Information will be processed in accordance with Data Protection Legislation. Any searches, provision or receipt of information of or under NR3 are necessary to the council's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects, you can do so to the authority's Data Protection Officer at watforddp@hertfordshire.gov.uk This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

18.4.9 In some circumstances the council may, under the Safeguarding Vulnerable Groups Act 2006, make a referral to the Disclosure and Barring Service where a decision to revoke or refuse a licence is made due to the concern that an individual poses a threat to a child or adult at risk. In line with the DfT Taxi Standards, a referral will be considered where:

- an individual has harmed or poses a risk of harm to a child or adult at risk;
- an individual has satisfied the ‘harm test’; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

Applicants should be aware that if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

A licence will not usually be granted to an applicant who appears on either barred list.

18.4.10 A suspension, revocation or refusal on public safety grounds will usually also be advised to the police.

18.4.11 It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence. Where an Applicant has made a false statement or a false declaration or omission on their application for the grant or renewal of a licence, the licence will normally be refused. Further applications for licences will be refused for a period of one year from the date that the lie or omission came to light.

18.4.12 The lists of offences within this Policy are not exhaustive. The Council can consider any offences not detailed in this Policy when examining the fitness and propriety of an Applicant and those offences listed below under the headings of violence, indecency,

dishonesty or driving offences should likewise not be taken as exhaustive lists of offences relevant to these categories.

18.5 Options when determining an application/licence

18.5.1 When determining an application or considering an existing licence the Council have the following options:

- approve the application or take no further action
- approve the application with a shorter than normal expiry date
- refuse the application/revoke the licence/suspend the licence
- commence enforcement action under the Council’s Enforcement Policy.

18.5.2 The Authority recognises the different roles of drivers and operators and its responsibility to ensure that they are ‘fit and proper’ to hold such licences. For Applicants for driver’s licences all of the following sections apply. Sections 18.12 and 18.13 do not apply to Applicants for private hire operators licences only.

18.5.3 Applicants who have prior convictions or driving endorsements may be invited to attend an interview with an officer where it is deemed reasonable to do so. In such cases they may be accompanied by a representative should they wish, and bring supporting evidence with them. The interviewing officer will record any mitigating circumstances. The fact that existing licensed drivers rely on their licence for their livelihood will not be seen as a mitigating factor.

18.5.4 A review of the interview will be arranged within three working days (wherever possible) with the Head of Community Protection or the Group Head of Community and Environmental Services, where that officer will review the application and the result of the interview (but not accept any new evidence) before making a determination. **18.6**

Types of Offence

18.6.1 Licensed drivers, and potentially private hire operators, have close regular contact with the public. A firm line is to be taken with those who have been found guilty for offences involving violence. An application will be refused or an existing licence revoked with immediate effect if the Applicant has been found guilty of an offence that involved the loss of life.

18.6.2 A licence will not be granted, or an existing licence will be revoked with immediate effect, where the Applicant has been found guilty of an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Grievous bodily harm
- Violent disorder
- Riot
- Malicious wounding or grievous bodily harm which is racially aggravated
- Aggravated burglary
- Terrorism offences
- Any related offences (including attempted or conspiracy to commit offences) that are similar in gravity to those above.

18.6.3 Consideration may only be given to the granting / issuing of a licence if at least 10 years have passed since (the longest period will apply):

Conviction or finding of guilt; or

The end of any prison sentence; and/or

period released 'on licence'

For any offence shown below:

- Arson
- Actual bodily harm
- Robbery
- Possession of firearm
- Assault Police
- Any racially-aggravated offence against a person or property
- Affray
- Any related offences (including, attempting or conspiring to commit offences) that are similar in gravity to those above.

18.6.4 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.6.5 Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since (the longest period will apply):

Conviction or finding of guilt; or

The end of any prison sentence; and/or

period released 'on licence'

For an offence shown below:

- Obstruction
- Criminal damage
- Resisting arrest

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- Any other Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Common assault
- Any related offences (including attempted or conspiracy to commit offences) that are similar in gravity to those above.

18.6.6 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.6.7 A licence will not be granted if an Applicant has been found guilty and/or convicted on two or more (separate) occasions for an offence of a violent nature.

18.6.8 Most prison sentences are for a fixed period and prisoners will generally be released at the half way point of the sentence and will spend the remaining period of their sentence 'on licence'. Time spent 'on licence' in the community is supervised by probation.

18.7 Possession of a weapon

18.7.1 If an Applicant has been found guilty and/or convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

18.7.2 Depending on the circumstances of the offence, at least 3 years must have passed since conviction and/or finding of guilt, if the sentence is not custodial, or the completion of the sentence, before a licence is granted.

18.7.3 A licence will not be granted if an Applicant has been found guilty and/or convicted on two or more separate occasions for weapon related offences.

18.7.4 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.8. Sexual and indecency offences

18.8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the Council will take a strong line in relation to Applicants or existing licence holders who have been found guilty and/or convicted of sexual offences. Similarly licensed private hire operators will have access to information regarding the location and movements of these groups of people. All sexual and indecency offences should be considered as serious. Applicants who have been found guilty and/or convicted of sexual or indecency offences that involve a third party will not be granted a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or adults at risk
- Child Sexual Exploitation
- Trafficking, sexual abuse against children and / or adults at risk and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar in gravity or related offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above

18.8.2 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.8.3 In addition to the above the Council will not grant a licence to any Applicant who is currently on the Sex Offenders Register or any other similar register.

18.8.4 Applicants, drivers or operators who are notified to the council by any agency as having failed to report when required clear instances, evidence or suspicions of child sexual exploitation or human trafficking will be considered for refusal or revocation of a licence. A driver who has their licence revoked for reasons given in this section (8.4) will not be considered for a new licence for at least 5 years.

18.9 Exploitation

18.9.1 Where an applicant or licensee has been convicted of a crime involving, related to , or has any connection it abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, trafficking, assisting unlawful immigration, child sexual abuse and exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

18.10 Dishonesty

18.10.1 A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Both drivers and operators may be privy to information regarding empty homes as taxis are often used as transport to airports etc. For these reasons, a serious view is taken of any conviction involving dishonesty.

18.10.2 A minimum period of 5 years free of conviction and/or finding of guilt will be required before an application for the grant / issue of a licence will be considered. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- any similar offences in gravity or related offences (including aiding abetting attempting or conspiring to commit) which replace the above

18.10.3 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.10.4 Applicants or existing licence holders that are found to have intentionally misled the Council, by way of omission or lie as part of the application process, will not be issued with a licence or their licence will be revoked if the matter comes to light after the grant of a licence.

18.11 Alcohol and Drugs

18.11.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst Applicants who have convictions for the supply of

drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered carefully.

18.11.2 It is recognised nationally that taxis can travel to any location at any time without raising suspicion so they are the ideal mode of transport for moving illegal items. An Applicant for an operator's licence who has been found guilty of and/or convicted in relation to the supply of illegal substances will be refused.

18.11.3 As licence holders are professional vocational drivers, a serious view is taken of findings of guilt and/or convictions for driving, or being in charge of a vehicle while exceeding the legal limit or under the influence of drink or drugs. More than one finding of guilt and/or conviction for these offences raises significant doubts as to the Applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence, following a drink drive disqualification, should elapse before an application will be considered. If there is any suggestion that the Applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed. Such a report will be at the Applicant's expense.

18.11.4 Because of the nature of a driver's involvement with the public, a licence will not be granted where the Applicant has been found guilty and/or convicted of an offence related to the supply of drugs regardless of the disposal.

18.11.5 A licence will not be granted where the Applicant has been found guilty and/or convicted of an offence or offences related to the possession of illegal / controlled drugs until at least 10 years have passed since conviction if the sentence is non custodial or the completion of any sentence and / or licence period, and only then after full consideration of the nature of the offence/s and the quantity / type of drugs involved.

18.11.6 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance the DVLA Group 2 medical standards) may be required before the licence is granted. If the Applicant was an addict then they would be required to show evidence of 5 years free from alcohol/drug taking after detoxification treatment.

18.11.7 Any existing driver or operator found guilty or convicted of an offence related to the use, supply or any other illegal involvement with drugs or alcohol will have their licence revoked with immediate effect.

18.12 Driving offences involving the loss of life

18.12.1 A very serious view is to be taken of any Applicant for a driver's licence who has been found guilty and/or convicted of a driving offence that resulted in the loss of life. A licence will not be granted if an Applicant has been found guilty and/or convicted of:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar in gravity offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above

18.12.2 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.13 Other traffic offences

18.13.1 Minor traffic offences come under the following categories: Construction and use offences, Miscellaneous offences, Motorway offences, Pedestrian crossings, Speed limits and Traffic direction and signs. These offences may not ordinarily merit refusal.

18.13.2 Major traffic offences, which are all offences not covered under the headings in the paragraph above, will give rise to serious doubts about the Applicant's suitability to be a driving professional. An Applicant with any such convictions will be required to show a

period of at least one year free of such convictions. For Applicants with more than one offence this should normally be increased to two years.

18.13.3 In cases where the courts have imposed a disqualification in respect of the ordinary driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

18.13.4 No driver will be allowed to hold a Hackney Carriage and / or Private Hire Driver or Operator Licence if they have 12 or more current points on their DVLA licence.

18.13.5 New applicants with 7 or more points on their DVLA drivers licence will be refused until endorsement(s) expire and the number of penalty points drops below this threshold.

18.14. Outstanding Charges or Summonses

18.14.1 If the Applicant is the subject of an outstanding charge or summons their application should be suspended until the matter is resolved.

18.15 Non-conviction information

18.15.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness / complainant and the licence holder/applicant will be taken into account.

18.15.2 If an applicant or existing driver or operator has been arrested for, or is on bail for or is charged with, but not convicted, with a serious offence in circumstances which suggest they could be a danger to the public, consideration should be given to refusing the

application or revocation of any existing licence. Such offences would include violent and / or sexual offences.

18.15.3 In assessing what action to take, the safety of the travelling public must be the primary concern.

18.18 Offences resulting from discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, or has been subject to a successful civil claim for discrimination, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed or the date from which any civil remedy was awarded.

18.17 Licensing Offences

18.17.1 Some offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 7 years has passed since conviction.

18.17.2 Any existing driver or operator found guilty or convicted of such a licensing offence will have their licence revoked.

18.18 Insurance Offences

18.18.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the Applicant has been free of conviction for 3 years.

However, strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

18.18.2 At least three years should elapse (after the restoration of the DVLA driving licence following disqualification), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

18.18.3 A driver found guilty of such an offence will have their licence revoked and will not be permitted to hold a licence for a period of at least three years.

18.18.4 An operator found guilty of aiding and abetting, or otherwise assisting the driving of passengers whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

18.19 Applicants with periods of residency outside the UK

18.19.1 If at any time an Applicant has spent three continuous months or more overseas the Council will expect to see evidence of a criminal record check from the country/countries visited covering the whole period spent overseas.

18.19.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those Applicants who have lived overseas. For EU nationals suitable checks should be available, for those countries for which checks are not available, one option is to require a certificate of good conduct authenticated by the relevant embassy. Where an Applicant cannot demonstrate that they were conviction free during periods abroad the authority the onus will be on the Applicant to provide proof of their fitness and propriety. Where they cannot the application will be refused.

18.20 Conditional discharge

18.20.1 Applicants are required to notify the Council of any conditional discharge or absolute discharge and these will be considered on a case by case basis. A conditional

discharge is a finding of guilt of that offence and the same guidelines for conviction of the offence will apply.

18.20.2 If an offence is committed during the period of a conditional discharge the courts may re-sentence an offender for the offence for which the conditional discharge was given. At this point the Council may consider that offence under this policy.

18.21 Summary

18.22.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an Applicant permanently from becoming licensed, in most cases, an Applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. If there is doubt about the suitability of an individual to be licensed, the council needs to be mindful of the need to protect the public and caution should be exercised.

18.22.2 While it is possible that an Applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an Applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

18.22.3 Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

18.22.4 A suspension or revocation of the licence of a driver normally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that this is so and an explanation of why, the suspension or revocation takes effect when

the notice is given to the driver. [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.]

19.0 Compliance and Enforcement

The licences and permissions we issue contain powers to suspend, revoke or refuse, vary or review them in the event of non-compliance with obligations in those authorisations, or following a conviction for certain offences.

Enforcement of the taxi and private hire regimes is dealt with in the Environmental Health Compliance Policy 2018 – 2021, a copy of which is available on the Watford Borough Council website.

20.0 Contact details

For information on this statement of licensing Policy, or for informal advice on making an application or whether a particular activity is likely to require authorisation, please contact:

Licensing
Watford Borough Council
Town Hall
Watford
WD17 3EN

Phone: 01923 278476

mail: licensing@watford.gov.uk Web:

<https://www.watford.gov.uk/taxilicensing>

Application forms for licences are available from our website.

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Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes. When the Council answers enquiries, the answers will be based on the Council's position at that time, following current interpretation of the legislation and relevant guidance, as well as any current case law. We cannot enter into discussions about complex or specialised proposals, nor are we able to give legal advice. Any such discussions or communications will be on a without prejudice basis.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

Appendix 1

Hackney Carriage Byelaws

- BOROUGH OF WATFORD -

BYELAWS

Made under section 68 of the Town Police Clauses Act, 1847, and section 171 of the Public Health Act, 1875, by the COUNCIL OF THE BOROUGH OF WATFORD with respect to **hackney carriages** in the Borough of Watford.

INTERPRETATION

1. Throughout these byelaws “the Council” means the Council of the Borough of Watford and “the District” means the Borough of Watford.

Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence, shall be displayed.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly marked on the outside and inside of the carriage, on plates provided by the Council and affixed thereto in positions indicated by the Council.
- (b) A proprietor or driver of a hackney carriage shall: -
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

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3. The proprietor of a hackney carriage shall: -
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver; and
 - (j) have fitted in the carriage an electric light sufficient to illuminate the interior thereof.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

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- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity the fare which the proprietor or driver is entitled to demand and take for the hire of such carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (d) the word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall

be capable of being suitable illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals and other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or

permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the District in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a hackney carriage shall:-
- (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) as soon as the carriage is hired by distance and time, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose and keep the machinery of the taximeter in action until the termination of

the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

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6. The proprietor or driver of a hackney carriage shall not tamper with or permit any persons to tamper with the taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face the same direction; and
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off
or moved forward;
 - (e) when such carriage occupies the first or second position on one of the stands appointed by the Council, remain with the carriage ready to be hired at once by any person.
8. The proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage 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.
10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons (excluding the driver) than the number of persons specified on the plates provided by the Council and affixed to the outside and inside of the carriage.

Provided that for the purpose of this byelaw children under the age of three years shall not be reckoned if carried in the rear seat of the hackney carriage.

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11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
12. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building at which he may take up or set down such person.
13.
 - (a) If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
 - (b) a proprietor and driver of a hackney carriage shall not:-
 - (i) wilfully or negligently cause or suffer any part of the badge to be concealed from public view while the carriage is standing plying or being driven for hire;
 - (ii) **cause or permit the carriage to stand, ply or be driven for hire with any such badge so defaced that the marking thereon is illegible.**

Provisions fixing the rates or fares to be paid for hackney carriages

within the District, and securing the due publication of such fares.

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by distance and time unless the hirer express at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take for the hire of the carriage a fare greater than that recorded on the face of the taximeter save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

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15. (a) 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.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by 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, Watford, and leave it in the custody of an officer designated by the Council to receive it on his giving receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Town Hall, Watford, whichever is the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level two on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

Repeal of Byelaws

19. The byelaws relating to hackney carriages which were made by the Council on and which are referred to in the Schedule hereto are hereby repealed.

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Schedule

Date byelaws made by the Council	Date byelaws confirmed by one of Her Majesty's Principal Secretaries of State
27th November 1973	18th January 1974
23rd January 1992	5th May 1992
22nd July 1994	7th October 1994

THE COMMON SEAL of WATFORD BOROUGH COUNCIL
was hereunto affixed this 23rd day of November 2000
in the presence of :-



Ian Brown
Mayor

Carol Chen
Solicitor to the Council

The Secretary of State this day confirmed the
foregoing byelaws and fixed the date on which
they are to come into operation as the 5th
day of February 2001.

J M E Rogers 10-1-01

Signed by authority of the Secretary of State

Appendix 2

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 take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from any private hire vehicle driven by him.
- (3) 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.

- (4) The Licensee 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, when required by the hirer or any less number as required by the hirer.
- (5) If 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.
- (6) 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.

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- (7) 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 Environmental Services.
- (8) 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.
- (9) 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 officer in charge on his giving a receipt for it;
 - (b) be entitled to receive 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).
- (10) 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.
- (11) 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.
- (12) The Licensee shall not act as the driver of any private hire vehicle without the consent of the proprietor thereof.
- (13) The licensee shall notify the Licensing Authority within 48 hours of any arrest, charge, caution, or conviction relating to any offence, including any traffic offence. The licensee is responsible for notifying the details of the offence and any penalty or sentence awarded in connection with the offence if applicable.

Appendix 3

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

STANDARD CONDITIONS FOR PRIVATE HIRE OPERATOR'S LICENCE

(1) 1.1 The Licensee shall keep records in a manner acceptable to the Council and shall add to that record before the start of each journey the following particulars of every booking of a private hire vehicle invited or accepted by him, whether received directly from the person wishing to hire the vehicle or taking it at the request of another operator, and such record must be maintained for at least the period of 12 months from the date it was made: -

- *the name of the passenger;*
- *the time of the request;*
- *the pick-up point;*
- *the destination;*
- *the name of the driver;*
- *the driver's licence number;*
- *the vehicle registration number of the vehicle;*
- *the name of any individual that responded to the booking request;*
- *the name of any individual that dispatched the vehicle.*

1.2 The licensee shall ensure any controller or other member of staff likely to be on duty alone shall have full training in order to access and provide details of these bookings immediately if required to do so by an authorised officer or police constable for the purposes of investigating offences.

1.3 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 1.1 (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.

1.4 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 will maintain a record of the expiry dates of the licences, insurance policies and MOTs of drivers and vehicles operated by him.
- (5)** The Licensee will maintain a record of the National Insurance numbers of drivers who operate his vehicles.
- (6)** The Licensee(s) keep records to show steps taken to ensure that any private hire vehicle dispatched by them or on their behalf by a sub-contacted operator is in a suitable mechanical condition, safe, comfortable, clean and presentable and that the relevant private hire plates provided by the Council or another council are affixed to the vehicle in such manner and position as shall be prescribed by the relevant Council's officers.
- (7)** The licensee(s) shall keep records to show they have conducted sufficient checks of any other companies to which they sub-contract bookings to make sure systems are in place to protect customers, particularly children and vulnerable adults
- (8)** All records required to be kept by the Licensee shall be maintained for a minimum period of 12 months.
- (9)** The Licensee shall produce all or any of the records specified in these conditions on request to any authorised officer of the Council or to any constable for inspection as soon as possible and no later than 24 hours from the request being made.
- (10)** (a) The Licensee must publish a complaints procedure in a place where it is easily accessible to all customers.

- (b) The Licensee must maintain a written record of complaints received by them, and make those records available to authorised officers of the Council on request;
- (c) Details of how to make complaints will be made available free of charge by drivers operated by the Licensees to hirers who request them.
- (11)** The Licensee must publish a copy of their equality policy in a manner that makes it easily available for customers to view.
- (12)** The Licensee(s) shall provide a copy of a basic disclosure from the Disclosure and Barring Service on application and every 12 months throughout the period of time that the licence is held.
- (13)** The Licensee(s) will provide proof of their attendance at disability, equality and dementia awareness training to include specific training on the Equalities Act 2010 and the relevance and impact of this to service providers.
- (14)** The Licensee(s) to provide proof of their attendance at a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.
- (15)** The Licensee(s) will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public by way of taking bookings, dispatching vehicles or in any other capacity where they have access to such records, have provided a basic criminal record check from the Disclosure and Barring Service.
- (16)** A register of this DBS check must be kept by the licensee(s) (though the certificate must not be retained) and the register kept updated as staff or workers change or the roles of staff or workers change.

- (17)** The Licensee(s) will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have attended a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.
- (18)** The Licensee will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have attended a recognised course or courses on disability, equality and dementia awareness.
- (19)** The Licensee will inform the Council in writing within 48 hours of being arrested, charged, bound-over, conditionally discharged, found guilty and/or convicted or any similar involvement with police or having received a caution for any criminal offence.
- (20)** The Licensee must give the Council 28 days' written notice of a change in the Licensee's operating address, home or business address.
- (21)** The Licensee will 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, whether employed or as an agent, or ceases work with him, whether employed or as an agent.
- (22)** The Licensee will 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.
- (23)** 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.
- (24)** No booking is to be accepted unless the hirer is either given an estimate of the charge for that journey or is told the basis on which the charge will be made.

- (25)** The Licensee(s) must not dispatch a PSV vehicle driven by a driver who holds a PCV licence to fulfil a private hire booking without first informing the booker of this and gaining the customers consent.
- (26)** The Licensee will ensure that adequate vehicles are available to carry passengers in wheelchairs for no extra charge over any other vehicle type where to charge more would amount to discrimination.
- (27)** The Licensee to ensure any rooms provided for the public, for waiting or making bookings, to be accessible, clean, adequately heated, ventilated and lit.

Appendix 4

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

Within these conditions:

“Council” means Watford Borough Council and its officers

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

Maintenance of Standards

At all times that the vehicle is licensed it shall be required to comply with all parts of the Vehicle Licensing Policy 2019-2024.

Dual Plating

Licences granted to vehicles later found to be licensed with another Licensing Authority will be revoked.

Alternative Fuels

Changes to the fuel type used must be notified to the licensing authority within 7 days of conversion and the certification of installation provided. Appropriate time will be allowed for the change to the V5 document.

Tyres

Proprietors must ensure that the vehicle has, at all times, appropriate equipment and/or tools to repair or replace a punctured or damaged tyre, or a policy or maintenance contract with a supplier who can attend to repair the vehicle or assist in repair of the vehicle (i.e. by towing to a garage).

The vehicle tyres including the spare must be all radial or all cross ply construction.

Body Work

The vehicle must be maintained in a manner satisfactory for public service at all times, without evidence of corrosion, damage, unsatisfactory repairs and/or unsatisfactory modifications.

The vehicle must not have:

Dull paintwork/mismatch of paint

A single rust scab or blemish larger than 10mm x 10mm

Dents over 40mm in diameter at its widest point and over 2mm deep

A scratch over 300mm long

Visibly poor or unsatisfactory repairs or modifications

Cleanliness

The exterior of the vehicle must be kept 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.

The interior of the vehicle must be kept in a suitable and clean condition at all times without accumulations of dust, dirt, litter, general debris, staining, excessive unpleasant odours or excessive wear.

Seat cushions and back rests must be adequately maintained in good condition and offer proper support to passengers.

Assistive Technology

Assistive Technology must not be used to allow the driver to relinquish control of the vehicle at any time when carrying passengers.

Luggage

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 furthest 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.

Proprietors 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.

Proprietors must not carry any tools or other equipment in the luggage compartment unless related to maintenance of the vehicle and securely stowed.

Proprietors 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.

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

Vehicle Modifications

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

Hackney Carriage Meter

A meter must be fitted to all hackney carriages and must be fitted securely

Proprietors must only use a taximeter of a type, and secured in a position, approved by the Council's officers.

The meter must be visible from the rear passenger seats, and must not interfere with the safe operation of the vehicle.

The meter must be sealed, without showing signs of tampering or misuse.

The taximeter must be calibrated to the tariff set by the licensing authority, and must not show any other tariffs.

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

Credit Cards Machines

If a card machine is advertised as in use it shall be available for every passenger unless a fault prevents its use.

Non-Factory Fitted Equipment

Proprietors 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

No equipment can obstruct driver or passenger movement in or out of the vehicle, affect passenger comfort, obstruct the driver's vision, or impede the driver's ability to control the vehicle.

Proprietors must notify the Council before installing any non-factory fitted equipment so that the equipment and proposed position may be tested in relation to safety and comfort.

The vehicle must not be used before approval has been given.

If the vehicle already has a licence and is to be modified to allow the use of a PDA, radio, or other such equipment, permission must be obtained from the licensing authority first.

Proprietors must ensure that equipment installed does not interfere with the electronic systems of their vehicle or other vehicles on the road.

First Aid Kit

Where a proprietor carries a first aid kit they must:

Ensure it meets the requirements of the Health and Safety (First-Aid) Regulations 1981

Keep an accident reporting log in the vehicle

High Visibility Safety Vests

A number of fluorescent/high visibility safety vests equal to the carrying capacity of the vehicle must be carried for use by passengers and driver in an emergency situation.

Fire Extinguisher

Vehicles must carry a well maintained fire extinguisher of a size deemed appropriate by the proprietor.

Extinguishers must be securely stored in the vehicle in a fixed and easily accessible location.

Defibrillators

Where a proprietor carries a defibrillator they must:

Receive satisfactory training in the use of the machine and provide certificated evidence to prove training.

Obtain the defibrillator from a recognised supplier of genuine quality machines and proof of purchase will be required.

Mount the defibrillator securely in a location where it cannot be accessed by passengers unless directed.

CCTV

Where CCTV is installed, the following conditions shall apply:

1. That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 2018 and is responsible for ensuring compliance with that Act and associated legislation;
2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO);

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3. The footage must remain “tamperproof” and be accessible only to the proprietor or a responsible third party;
4. Vehicles must display adequate signage notifying customers of the use of cameras, how long data is stored for and how customers can access the data;
5. Drivers must provide example documentation of a CCTV usage policy, Privacy Impact Assessment and Subject Access Request application.
6. Drivers must provide an in date copy of ICO registration certificate

Safety Screens

Where a safety screen is installed, proprietors must:

Provide evidence of professional, certificated installation

Provide evidence of notification to, and approval by, the company insuring the vehicle

Vehicle Tracker

Where a tracker is fitted it must be installed by a competent professional and proof of installation will be required.

Receipts

The driver of the vehicle must offer to each passenger (or, if there is more than one passenger, at least one of those passengers) at the end of their journey a receipt containing 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.

Vehicle Plates

The plates (provided by the Council and which remain the property of the Council) identifying the vehicle as a hackney carriage or 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 Vehicle Licensing Policy.

The exterior licence plate and interior licence plate (also referred to as the detachable slip) issued by the Council must be clearly visible and the details legible at all times that the vehicle is being used for work.

Door Signs

Hackney carriages that do not display a livery (see section 14.5 of the Policy) must display door signs of a type and style approved by the Council's officers.

Signs must be attached to the front doors only.

Drivers 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.

Roof Lights

All taxis must display a roof light showing the word 'taxi' on the front.

In the case of magnetic lights used on vehicles other than purpose built taxis, the words 'taxi' or 'for hire' must appear on the rear of the sign.

The roof sign must be maintained in good working order.

The magnetic light must be securely attached

The roof-sign must be capable of being lit, and must cease to be lit when the taximeter is brought into operation.

Hackney Carriages 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

Large Drivers Badge

You must make sure that there shall be displayed so that it is visible from all parts 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.

Advertisements

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

Livery

Hackney carriages may display a livery.

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Where the livery is displayed it must be in accordance with the approved livery of black vehicle with yellow bonnet stripes, yellow boot stripes and yellow roof stripes to a standard colour code approved by the council

Other Signage

Vehicles 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.

Vehicles may only display the following window stickers or signs providing that they do not obscure vision:

- (a) the Council’s official plate (the detachable slip)
- (b) the name and telephone number of a Watford hackney carriage or private hire firm, recognised by the Council
- (c) an authorised parking permit
- (d) membership of a recognised motoring organization or a hackney carriage or private hire association
- (e) disability awareness signs.
- (f) If CCTV is in use, signs notifying customers of the use, storage and access must be displayed.
- (g) A sign advertising the availability of debit or credit card facilities

No other signage is permitted unless permission is expressly granted by the licensing authority on application

Appendix 5

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

Maintenance of Standards

At all times that the vehicle is licensed it shall be required to comply with all parts of the Vehicle Licensing Policy 2019-2024.

Dual Plating

Licences granted to vehicles later found to be licensed with another Licensing Authority will be revoked.

Alternative Fuels

Changes to the fuel type used must be notified to the licensing authority within 7 days of conversion and the certification of installation provided. Appropriate time will be allowed for the change to the V5 document.

Tyres

Proprietors must ensure that the vehicle has, at all times, appropriate equipment and/or tools to repair or replace a punctured or damaged tyre, or a policy or maintenance contract with a supplier who can attend to repair the vehicle or assist in repair of the vehicle (i.e. by towing to a garage).

The vehicle tyres including the spare must be all radial or all cross ply construction.

Body Work

The vehicle must be maintained in a manner satisfactory for public service at all times, without evidence of corrosion, damage, unsatisfactory repairs and/or unsatisfactory modifications.

The vehicle must not have:

Dull paintwork/mismatch of paint

A single rust scab or blemish larger than 10mm x 10mm

Dents over 40mm in diameter at its widest point and over 2mm deep

A scratch over 300mm long

Visibly poor or unsatisfactory repairs or modifications

Cleanliness

The exterior of the vehicle must be kept 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.

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The interior of the vehicle must be kept in a suitable and clean condition at all times without accumulations of dust, dirt, litter, general debris, staining, excessive unpleasant odours or excessive wear.

Seat cushions and back rests must be adequately maintained in good condition and offer proper support to passengers.

Assistive Technology

Assistive Technology must not be used to allow the driver to relinquish control of the vehicle at any time when carrying passengers.

Luggage

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.

Proprietors 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.

Proprietors must not carry any tools or other equipment in the luggage compartment unless related to maintenance of the vehicle and securely stowed.

Proprietors 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.

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

Vehicle Modifications

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

Private Hire Meter

Proprietors may use a meter in a private hire vehicle providing it is secured in a safe and clearly visible position.

Credit Cards Machines

If a card machine is advertised as in use it shall be available for every passenger unless a fault prevents its use.

Non-Factory Fitted Equipment

Proprietors 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

No equipment can obstruct driver or passenger movement in or out of the vehicle, affect passenger comfort, obstruct the driver's vision, or impede the driver's ability to control the vehicle.

Proprietors must notify the Council before installing any non-factory fitted equipment so that the equipment and proposed position may be tested in relation to safety and comfort.

The vehicle must not be used before approval has been given.

If the vehicle already has a licence and is to be modified to allow the use of a PDA, radio, or other such equipment, permission must be obtained from the licensing authority first.

Proprietors must ensure that equipment installed does not interfere with the electronic systems of their vehicle or other vehicles on the road.

First Aid Kit

Where a proprietor carries a first aid kit they must:

Ensure it meets the requirements of the Health and Safety (First-Aid) Regulations 1981

Keep an accident reporting log in the vehicle

High Visibility Safety Vests

A number of fluorescent/high visibility safety vests equal to the carrying capacity of the vehicle must be carried for use by passengers and driver in an emergency situation.

Fire Extinguisher

Vehicles must carry a well maintained fire extinguisher of a size deemed appropriate by the proprietor.

Extinguishers must be securely stored in the vehicle in a fixed and easily accessible location.

Defibrillators

Where a proprietor carries a defibrillator they must:

Receive satisfactory training in the use of the machine and provide certificated evidence to prove training.

Obtain the defibrillator from a recognised supplier of genuine quality machines and proof of purchase will be required.

Mount the defibrillator securely in a location where it cannot be accessed by passengers unless directed.

CCTV

Where CCTV is installed, the following conditions shall apply:

1. That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 2018 and is responsible for ensuring compliance with that Act and associated legislation;
2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO);
3. The footage must remain “tamperproof” and be accessible only to the proprietor or a responsible third party;
4. Vehicles must display adequate signage notifying customers of the use of cameras, how long data is stored for and how customers can access the data;
5. Drivers must provide example documentation of a CCTV usage policy, Privacy Impact Assessment and Subject Access Request application.
6. Drivers must provide an in date copy of ICO registration certificate

Safety Screens

Where a safety screen is installed, proprietors must:

Provide evidence of professional, certificated installation

Provide evidence of notification to, and approval by, the company insuring the vehicle

Vehicle Tracker

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Where a tracker is fitted it must be installed by a competent professional and proof of installation will be required.

Receipts

The driver of the vehicle must offer to each passenger (or, if there is more than one passenger, at least one of those passengers) at the end of their journey a receipt containing 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.

Vehicle Plates

The plates (provided by the Council and which remain the property of the Council) identifying the vehicle as a hackney carriage or 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 Vehicle Licensing Policy.

The exterior licence plate and interior licence plate (also referred to as the detachable slip) issued by the Council must be clearly visible and the details legible at all times that the vehicle is being used for work.

Door Signs

Private Hire Vehicle door signs must be pre-approved by the Council's officers.

At all times when the vehicle is in use for work door signs MUST be 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.

Signs 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".

Door signs must be maintained in a clean, readable and undamaged state.

Roof Lights

Private hire vehicles must not have roof signs.

Large Drivers Badge

You must make sure that there shall be displayed so that it is visible from all parts 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.

Advertisements

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

Livery

There is no livery requirements for private hire vehicles

Other Signage

Vehicles 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.

Vehicles may only display the following window stickers or signs providing that they do not obscure vision:

- (a) the Council’s official plate (the detachable slip)
- (b) the name and telephone number of a Watford hackney carriage or private hire firm, recognised by the Council
- (c) an authorised parking permit
- (d) membership of a recognised motoring organization or a hackney carriage or private hire association
- (e) disability awareness signs.
- (f) If CCTV is in use, signs notifying customers of the use, storage and access must be displayed.
- (g) A sign advertising the availability of debit or credit card facilities

No other signage is permitted unless permission is expressly granted by the licensing authority on application

Appendix 6

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ADDITIONAL CONDITIONS FOR WHEELCHAIR ACCESSIBLE VEHICLES

Within these conditions:

“Council” means Watford Borough Council and its officers

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

Restraints

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.

Anchorage must be provided for the both the wheelchair and wheelchair user to the latest industry standard. Restraints for wheelchair and occupant must be independent of each other.

Ramps

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.

Ramps which are removable must be permanently legibly marked with the registration mark of the vehicle for which they are provided.

Lifting Mechanism

Lifting mechanisms fitted to any licensed vehicle must conform and be tested in accordance with the Lifting Operations and Lifting Equipment Regulation 1998 (LOLER). Any costs associated with this requirement are the responsibility of the vehicle proprietor.

A valid compliance report conform to LOLER must be kept in the vehicle and be available for inspection.

Training

Where a vehicle is capable of carrying a passenger sitting in a wheelchair in the vehicle, the driver of the hackney carriage or private hire vehicle must demonstrate at time of vehicle inspection on application an ability to use the equipment provided

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for the carriage of passengers. All drivers must attend a disability awareness course approved by the Council.

Appendix 7

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

ADDITIONAL CONDITIONS FOR STRETCH LIMOUSINE PRIVATE HIRE VEHICLE LICENCES

Within these conditions:

“Council” means Watford Borough Council and its officers

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

No vehicle over 10 years old shall be licensed as a stretched limousine

Applications are accompanied by the relevant IVA inspection certificate

Vehicles are required to pass an MOT test every 6 months

That the result of this MOT test be submitted to the licensing team at the time of the test

Appendix 8

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 **CONDITIONS TO BE ATTACHED IN THE CASE OF PRIVATE HIRE VEHICLE SIGNAGE EXEMPTIONS**

Within these conditions:

“Council” means Watford Borough Council and its officers

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

Door Signs

Where an Exemption Certificate has been issued for the vehicle by the Council, and a magnetic sign applied instead to the driver’s and front passenger door, that sign must meet the requirements stated in section 14.2 of the Policy and in addition contain 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.

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.

Vehicle Plate

The vehicle shall display a licence disc issued in place of the vehicle plate.

The disc shall be displayed in the front windscreen of the vehicle to be clearly visible at all times.