





Brighton & Hove
City Council

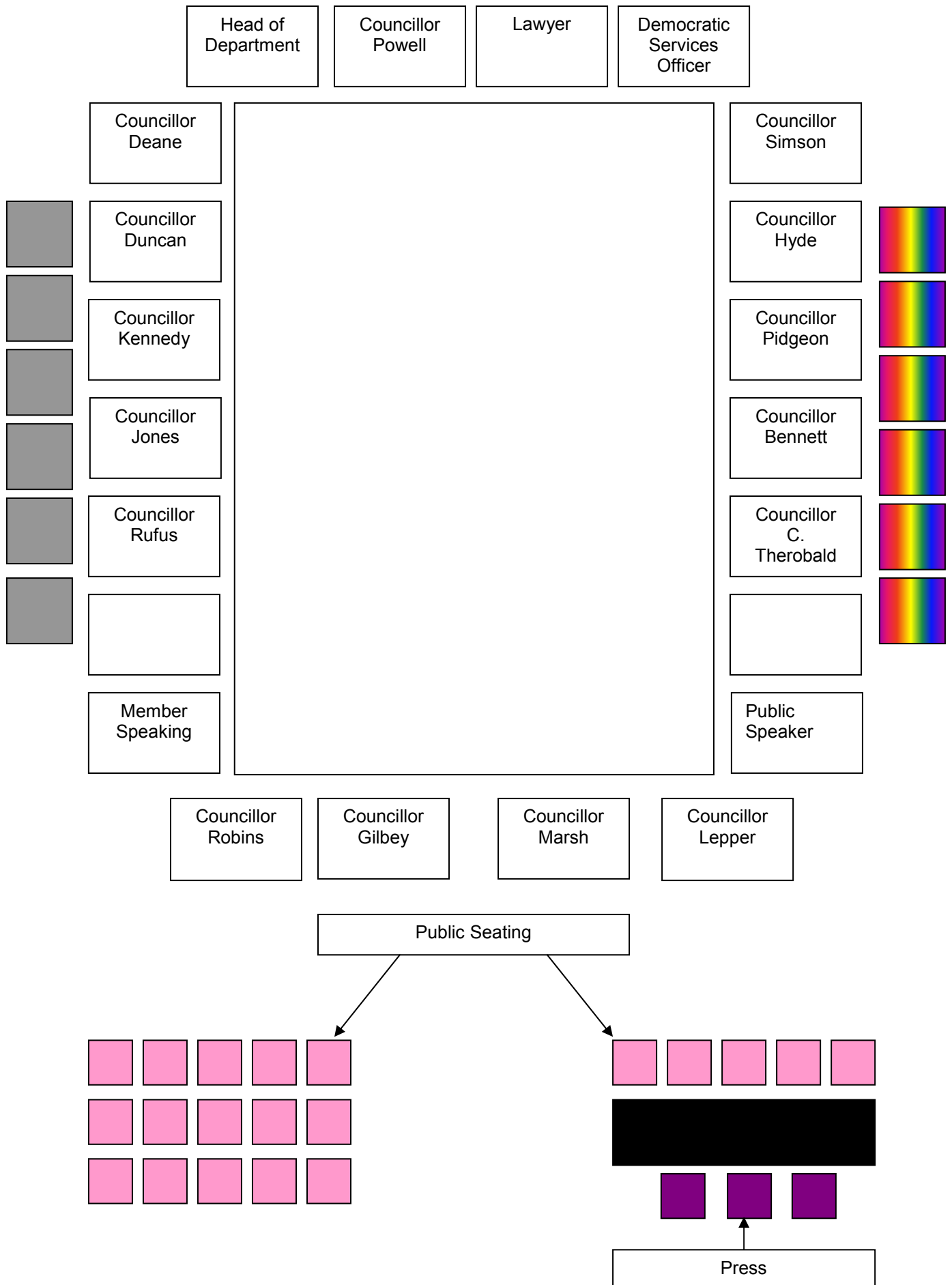
Licensing Committee

(Non-Licensing Act 2003 Functions)

Title:	Licensing Committee (Non Licensing Act 2003 Functions)
Date:	6 March 2014
Time:	3.30pm or at the conclusion of the Licensing Committee (Licensing Act 2003 Functions) meeting which precedes it
Venue	*Committee Room I, Hove Town Hall * Please note change from usual venue
Members:	Councillors: Powell (Chair), Deane (Deputy Chair), Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Bennett, Duncan, Gilbey, Hyde, Jones, Kennedy, Marsh, Pidgeon, Robins, Rufus and C Theobald
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

24. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest:
- (a) Disclosable pecuniary interests not registered on the register of interests;
 - (b) Any other interests required to be registered under the local code;
 - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

25. MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the meeting held on 21 November 2013 (copy attached)

26. CHAIR'S COMMUNICATIONS

27. PUBLIC INVOLVEMENT

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented by members of the public to the full Council or at the meeting itself.
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on 27 February 2014;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on 27 February 2014.

28. MEMBER INVOLVEMENT

9 - 10

To consider the following matters raised by Members:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself; Report of the Head of Law (copy attached) - Petition to be presented by Councillor Sykes;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion.

29. BLUE BOOK REVIEW

11 - 108

Report of the Head of Regulatory Services (copy attached)

Contact Officer: *Martin Seymour* Tel: 29-6659

Ward Affected: *All Wards*

30. LOWERING EMISSIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

109 -
122

Report of the Head of Regulatory Services (copy attached)

Contact Officer: *Martin Seymour* Tel: 29-6659

Ward Affected: *All Wards*

31. HACKNEY CARRIAGE / PRIVATE HIRE TRADE ETHNICITY MONITORING

123 -
142

Report of the Head of Regulatory Services (copy attached|)

Contact Officer: *Martin Seymour* Tel: 29-6659

Ward Affected: *All Wards*

32. HACKNEY CARRIAGE ACCESSIBILITY POLICY REVIEW

143 -
164

Report of the Head of Regulatory Services (copy attached)

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Contact Officer: Martin Seymour
Ward Affected: All Wards

Tel: 29-6659

33. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 27 March 2014 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273) 291065, email penny.jennings@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 26 February 2014

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)	Agenda Item 25 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 21 NOVEMBER 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Powell (Chair), Deane (Deputy Chair), Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Bennett, Gilbey, Hyde, Kennedy, Marsh, Robins, Rufus and C Theobald

Apologies: Councillors Duncan, Jones and Pidgeon

PART ONE

14. PROCEDURAL BUSINESS

14.1a Declaration of Substitutes

There were none.

14.2b Declarations of Interest

There were none.

14.3c Exclusion of the Press and Public

In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

RESOLVED - That the press and public not be excluded from the meeting during.

15. MINUTES OF THE PREVIOUS MEETING

- 15.1 RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 27 June 2013 be agreed and signed as a correct record.

16. CHAIR'S COMMUNICATIONS

16.1 Hackney carriage & private hire vehicles suspensions & revocations

The Chair advised that since the last Licensing Committee, officers in the Hackney Carriage Office had:

- Revoked 3 driver licences
- Refused 2 licences on medical grounds
- Suspended 1 driver on medical grounds
- In addition 5 drivers have received formal warnings

17. CALLOVER

- 17.1 RESOLVED** – That all items be reserved for discussion.

18. PUBLIC INVOLVEMENT

18a.1 There were none.

18b.2 There were none.

18c.3 A Deputation was submitted by Mr K McGrath.

18c.4 The Chair welcomed Mr McGrath to the meeting and asked him to present his deputation. The Deputation stated:

We are prompted to bring this appeal to the Committee for two reasons;

- We only became aware that the SEV fee had increased to £6500 in early November 2013, even though this decision was made last year. With the utmost respect, we would ask that the Local authority in future adopt a working practice to notify license holders of increases as and when they are set. If we had been aware of this, we could at least have tried to make some plan or financial provision for it over the last year.
- We have previously made discretionary arrangements with the authority to pay this license fee by instalments, but have again only very recently been advised that this may not be possible in the current year. We appreciate the historic support that this arrangement has provided to us through a very difficult trading period.

However, having received no prior notification of either the 41% fee increase or the change of policy on instalment payment has created an immense and urgent problem which is compounded by the flat rate nature of the SEV fee itself. The fixed fee structure takes no account of the size of the premises, the revenue of the premises or the level of individual costs incurred directly or indirectly at particular premises by the Local

authority. When the SEV License was first introduced, representations along these lines were made by us to the Committee and we suggested that a fee linked to Rateable value was a more appropriate structure whereby the fee would generally reflect the size of the business. The Committee decided ultimately to adopt a fixed fee structure and I highlight this now only to draw your attention to the dramatic impact that such a large increase in the fee has upon a small local operator, as opposed to a large multi million pounds, national or international operator. The Pussycat Club ("PC") was the first of 3 local lap-dancing clubs and was originally established in Hove in 1998, moving to its current location in Brighton in 2007. PC is privately owned and operated by the McGrath family and is fundamentally different from the other two license holders in two respects;

- PC is a private members club which only admits members who are subject to a 48 hour waiting period, guests of members and does not admit or offer membership to the under 25's. Annual membership fees are payable by members and guest admission is charged at £15 per person.
- PC is a very small club located in a discreet secondary location, on two floors with a maximum capacity of 100 persons, but as the second floor is used not as a seating area but as the dance area only, the practical capacity is 45 persons.

As a consequence, PC is a discreet, quiet and entirely trouble free premises where the significant anti social behaviour and public order issues which are often evident at other venues simply do not exist. It is our argument that PC therefore creates little or no requirement for additional resources, such as additional police and licensing resources, which are increasingly required to be provided at other clubs who encourage free admissions by persons as young as 18. PC has not had any time or opportunity to plan for or make provision for the new increased fee, nor indeed had any time to make provision for single payment of such a fee and it is a commercial reality that trading conditions throughout the current recession have been extremely difficult for several years and many small businesses like us lack any support from the banks, even our new state owned banks. Our own principal bankers were Bank of Scotland ("BOS"), now Lloyds. BOS provided us with an overdraft facility of £30k for many years, but the new state controlled Lloyds withdrew this facility, demanding repayment despite that the facility had been properly conducted by us for many years. Like many small businesses, we had used our overdraft as working capital to meet unexpected expenditure, such as this massively increased SEV fee, but this is no longer an option available to us. My research has been limited by the short time available to me but I understand there is some suggestion that there may be ambiguity if the license is issued before the full fee is received. Even as a layman I would contest this and I can think of many licenses which are issued with an associated instalment agreement, such as my own TV License. There has also been an argument made to me of financial probity and administration costs. This can surely be addressed by making an administration or interest charge such that the authority achieves increased revenue with any such agreement. I understand that income raised by license fees aims to cover the cost of administration of each regime within constraints of regulation, that such fees must be reasonable and it is incumbent on you to review fees in a proper and transparent way and set such at a level you can reasonably expect to recover. There appears to be no legal authority that you cannot accept fees by instalments. Permitting PC to pay this fee over the year will at least recognise the unfairness to us of the fixed fee structure and go some way towards recognizing that PC is the one of three venues which does not in fact add to the Authority's costs. Perhaps in the longer term, the Committee could consider

generally whether it is possible to allocate costs, as supplementary annual fees, directly against any venue where additional resources are provided which incur additional or unusual costs. At the moment there exists a balance amongst the 3 license holders who each pursue different segments of the market. If the PC License were to become available, it is possible, perhaps even likely that another large operator would move into Brighton & Hove. It is my submission to you that this would be generally undesirable strategically for our city and I say this not as the operator but as a city resident with young children. This is of course a secondary argument to the proposal before you but worthy of consideration as an aspect of this appeal.

- We formally request that the Committee do not withdraw (at such short notice) the discretionary facility previously agreed and permit the Head of Regulatory Services discretion to consider our request for an instalment payment arrangement for the forthcoming year.
- We formally request that the Committee take account in its generality, of the contents of this document when setting new fees for the 2014-15 year and consider the adverse impact of the fee on small business. We respectfully ask that any further increase be kept to a minimum and related to inflation.

18c.5 The Chair thanked Mr McGrath and stated:

The information relating to this is covered by the licence fee report at item 22 in the agenda. The Council is clear on the basis of fees collected and the basis on which these are calculated. This is dealt with in detail in the report. Officers have explained to Mr McGrath that legislation makes no provision for payment by instalments. In this case, officers have in previous years, in recognition of supporting business, offered the facility to pay in instalments.

The corporate debt collection and recovery policy states that business debtors seeking help due to financial difficulties will, where appropriate, be considered for alternative payment plans on a case-by-case basis, however allowing for an instalment system in the past has resulted in cases of late and non-payment causing budgeting monitoring issues. For clarity, it is preferable for the full fee to be collected before the licence is issued. Strictly speaking, an applicant for the grant of a sex establishment licence should pay the fee at the time of application and although the authority's officers had tried to help local business, offers had informed applicants that they could no longer accept part payments. Not only is there no clear legal authority but occasionally these arrangements had led to late payment and budget management difficulties. Sex entertainment licences are currently issued annually, the maximum period. Licences for shorter periods would increase costs. Sex entertainment venues and sex shops are currently at the policy cap, three and five respectively.

18c.6 The Chair said that Mr McGrath would receive a written copy of her response.

19. MEMBER INVOLVEMENT

19a.1 There were none.

19b.2 There were none.

19c.3 There were none.

19d.4 There were none.

20. STREET TRADING DESIGNATION (POST CONSULTATION)

20.1 The Committee considered a report of the Head of Regulatory Services to designate Memorial Way in the Old Steine as a consent street. The report was presented by Ms J Cranford.

20.2 Councillor Simson asked if it was agreed to make Memorial Way a consent street, whether it could be used for a farmer's market everyday except the three days listed in the report. Ms Cranford confirmed it could. Councillor Simson asked for clarification on what constituted a 'farmers market' as opposed to a 'normal' market, and was advised it depended on whether the products for sale were sourced locally.

20.3 Councillor Hyde was concerned over the position of a market and felt that there was too much traffic in that area and was too close to the War memorial. Whilst she wanted to support another market in the city, she was not in favour of one in that area.

20.4 Councillor Deane said agreeing to Memorial Way being a consent street would provide a new opportunity for businesses and therefore she supported the proposal.

20.5 Councillor Lepper felt that this was the wrong place for a farmer's market and previous markets in that area had not been successful, and so would not be able to support the proposals. Councillor Deane said she understood Councillor Lepper's concerns that a market had not been successful before, but if the road became a consent street it could be used for other events such as White Night.

20.6 Councillor Rufus said it was an underused part of the city and a farmer's market would encourage people to the area; he would therefore be supporting the proposal.

20.7 Councillor Gilbey noted that it wasn't a pedestrianised area and there was too much traffic, and being situated next to the War Memorial wasn't appropriate and therefore she couldn't support the proposal.

20.8 RESOLVED – That Members resolved not to designate Memorial Way as a consent street.

21. SETTING LICENCE FEES: SCRAP METAL DEALERS ACT 2013

21.1 The Committee considered a report of the Executive Director Environment, Development and Housing, which set out the proposed fees for licences under the new Scrap Metal Dealers Act 2013. The report was presented by Mr M Savage-Brookes.

21.2 Councillor Simson noted that officers would have delegated power to award licences, and asked if they refused whether the matter would go before a Panel. Mr Savage-Brookes confirmed it would.

- 21.3 Councillor C Theobald asked if under the new legislation dealers would have to keep a record of who they'd obtained the scrap metal from. It was confirmed they would.
- 21.4 Councillor Gilbey asked for confirmation that there were two types of dealer. It was confirmed there were; those with a site and those who were itinerant and took metal to a permanent site.
- 21.5 Councillor Simson asked if dealer's needed a licence for each area they collected from. It was confirmed they would.
- 21.6 Councillor Deane welcomed the changes and said she would support the recommendations.
- 21.7 Councillor Simson asked whether there would be sufficient officer resources to ensure compliance, and whether the public would be advised that mobile traders needed to display their licence in their vehicles. Mr Savage-Brookes said that both the police and the local authority would have the authority enforce the legislation. With regard to publicising the changes, it hadn't been considered but could be done if it was felt appropriate.
- 21.8 Councillor Hyde asked whether the authority had considered visiting the various sites to ensure that traders were complying with the legislation. Mr Nichols said that an observation would need RIPA authority, but if there were reasonable grounds it could be applied for. Test purchasing had not been undertaken before, but as this was a new legislation it could be considered if it was felt appropriate.
- 21.9 Councillor Rufus asked whether a home owner would still be able to take items to scrap metal sites. Ms Cranford said that as a customer you could, but a person would need to provide a passport etc to be able to be paid for the metal.
- 21.10 RESOLVED** – That the proposed fees as set out in Appendix 3 to the report be agreed.

22. LICENCE FEES 2014/15

- 22.1 The Committee considered a report of the Head of Planning and Public Protection, which set out the proposed licence fees and charges for 2014/15 relating to street trading, sex establishments, sex entertainment Licences, gambling premises, taxi licensing and other licensing functions. The report was presented by Mr T Nichols.
- 22.2 Councillor Lepper referred to Appendix 4 and noted the middle column was headed 2013/14 and asked if that was correct. Mr Nichols confirmed that was a typing error and it should read 2014/15.
- 22.3 Councillor Kennedy asked why some charges were coming down. Mr Nichols said the authority was complying with legislation, and they could only charge a fee to cover their costs.
- 22.4 Councillor Simson asked if establishments could be looked at individually. Mr Nichols said it was possible and the authority had considered that, but had taken the decision not to.

22.5 RESOLVED:

That the committee approved the following variation to licence fees:

- Hackney carriage driver fee +10%, hackney carriage vehicle fee -5%, private hire driver fee +10% and private hire vehicle fee -5%.
- Sex entertainment venues and sex establishments are decreased by -7.5%.
- Street trading fees - decreased by -5%.
- All Gambling Act 2005 fees: increased by 10% applied annually in 2014/15 and 2015/16 to remove the shortfall (except where already set at the maximum e.g. Adult Gaming Centres/Family Entertainment Centres).

23. ITEMS TO GO FORWARD TO COUNCIL

23.1 There were none.

The meeting concluded at 4.10pm

Signed

Chairman

Dated this

day of

**LICENSING COMMITTEE
(NON LICENSING ACT
FUNCTIONS)**

Agenda Item 28(a)

Brighton & Hove City Council

Subject: Petitions
Date of Meeting: 6 March 2014
Report of: Head of Legal & Democratic Services
Contact Officer: Name: Penny Jennings Tel: 29-1065
E-mail: Penny.jennings@brighton-hove.gov.uk
Ward Affected Brunswick & Adelaide

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive any petitions presented at Council, any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website. Please note in this instance the petition has been forwarded to this Committee by the Environment, Transport and Sustainability Committee.

2. RECOMMENDATIONS:

- 2.2 That the Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:

- § taking the action requested in the petition
- § considering the petition at a council meeting
- § holding an inquiry into the matter
- § undertaking research into the matter
- § holding a public meeting
- § holding a consultation
- § holding a meeting with petitioners
- § referring the petition for consideration by the council's Overview and Scrutiny Committee
- § calling a referendum

3. PETITIONS

(i) Brunswick Place Taxi Rank – Winter 2013-14

"We the undersigned petition Members of the Environment and Sustainability Committee of Brighton and Hove Council to acknowledge ongoing disturbance associated with the taxi rank on Brunswick Place, Hove, near the junction with Western Road. These issues include noise disturbance, pollution from idling diesel engines and road safety as a result of over ranking. We request that all efforts be made by this Committee to address the matter, including consideration of taxi relocation to the central reservation of Brunswick Place, and/or locating

the taxi rank somewhere other than one of the most populous residential streets in Europe. We request also that a written response be given to this petition.”
(14 signatures)

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 29

Brighton & Hove City Council

Subject: Hackney Carriage and Private Hire, Drivers, Vehicles and Operators Blue Book Review - 3rd Edition

Date of Meeting: 6 March 2014

Report of: Head of Regulatory Services

Contact Officer: Name: *Martin Seymour* Tel: 29-6659
E-mail: Martin.seymour@brighton-hove.gov.uk

Wards Affected: All

1. PURPOSE OF REPORT AND POLICY CONTEXT:

To review byelaws, conditions advice and information for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators contained in the blue handbook. (The Blue Book).

2. RECOMMENDATIONS:

- 2.1 That Committee approve the handbook 3rd Edition of the handbook (Appendix A)

3. CONTEXT/ BACKGROUND INFORMATION:

- 3.1 The Council licenses Hackney Carriage and Private Hire, Drivers, Vehicles, and Private Hire Operators. The authority for doing so is by adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part II. (Section 45), The Town Police Clauses Act 1847, (Section 68) and the Public Health Act 1875, (Section 171).

The Acts require that the Council must be satisfied that the vehicle is: -

- suitable in type, size and design for use as a hackney carriage or private hire vehicle and it is in a suitable mechanical condition, safe and comfortable.

In the case of private hire vehicles it is further required that

- they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

Any vehicle used as a hackney carriage or for private hire must

- have in force a policy of insurance in relation to the use of that vehicle.

In addition to the statutory requirements a Council may attach to the grant of a licence such conditions, as the Council considers reasonably necessary. However, the 1985 Transport Act specifically states that the Council shall not refuse such a licence for the purpose of limiting the number of vehicles in respect

of which such licences are granted by the Council. It should be noted that in the case of hackney carriages the numbers may be limited only if the Council can show there to be no significant unmet demand for this type of vehicle licence. In respect of the issue of driver's licences the Local Government (Miscellaneous Provisions) Act of 1976 requires the Council to be satisfied that each applicant is a fit and proper person to hold such a licence prior to its grant. There is no authority to attach any condition to a hackney carriage driver's licence as they are controlled by means of byelaws, but conditions may be applied to private hire driver licences.

- 3.2 The handbook was designed to combine many bye laws, conditions, advice and information for hackney carriage and private hire drivers, vehicles and operators previously in various and separate forms and was first approved by committee in February 2007. Some conditions have been amended for the 3rd edition to reflect current working practices and changes in legislation and changes of policy already agreed by committee. Other minor alterations have been made to wording and sequencing in order to make the book more user friendly.
- 3.3 The council is empowered in law to check for the existence and content of any criminal record held in respect of an applicant for a hackney carriage or private hire, vehicle, driver or operator licence so when submitting an application for such a licence an applicant is required to declare all convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related), they have recorded against them, and any pending proceedings. The guidance relating to the relevance of the above types of offences when considering an application or reviewing an existing licence has been extensively amended and brought up to date with new types of offences. Section 2.(D) 130 -145.
- 3.4 Vehicle type approval in the case of conversions is clarified with vehicles required to hold National Small Series Type Approval or Individual Vehicle Approval. The licensing of category C & D "write offs" is also clarified and the requirement of a Vehicle Identity Check issued for category C and written confirmation from the insurer that the insurer is aware that the vehicle is a C or D "write off". Explanation of categories: **Category C**: the vehicle is repairable but the costs exceed the vehicle's value. Can re-appear on road. **Category D**: the vehicle is repairable but repair costs are significant compared to the vehicle value. Can re-appear on road. For information on the EC Whole Vehicle Type Approval, National Small Series Type Approval and Individual Vehicle Approval Scheme.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209278/guide-to-the-iva-scheme.pdf

- 3.5 Hackney Carriage Wheelchair Accessible Vehicles will normally be required to comply with the requirements of the Council's Hackney Carriage Accessibility Policy in place at the time of licensing.
- 3.6 Existing policy requires vehicles over 10 years or older to have 6 monthly compliance testing. To ease the administration of the requirement it is proposed that vehicles 10 years or older will require relicensing at six monthly intervals. Also where any vehicle is found with excessive or dangerous faults on a fitness test only a 6 month licence is granted until such time as the Council is satisfied that the vehicle is being maintained to a satisfactory standard. Licence conditions may in future move to emission standard and not age subject to further consultation with the local licensed trade.
- 3.7 The requirement for hackney carriages to be returned to white upon ceasing to be a licensed vehicle has been removed. It is now common practice for vehicles to be part exchanged by specialist dealers rather than private sales. This allows a quick turn around for a proprietor when replacing a vehicle. It also removes a cost burden to proprietors at a time when they have considerable expense to licence a new vehicle i.e. fitting CCTV. However, if there appears to be a problem with rogue vehicles acting as hackney carriages this may need to be reviewed.
- 3.8 The restriction on tinted windows is also removed for both hackney carriage and private hire vehicles. When the restriction was first introduced for safety reasons few vehicles were supplied with tinted windows. It has now become the norm for vehicles especially at the higher spec vehicle derivative to only come with tinted windows limiting the vehicles available to a proprietor or at great cost changing windows. Since the restriction was introduced compulsory CCTV has been introduced which has alleviated some of the fears relating to the safety of the driver or passengers. However, some risks remain for example attacks on drivers and overloading. Licence holders consider that CCTV should provide sufficient provision for detection and deterrence.
- 3.9 The guidance on CCTV has been amended and any system must be of a sufficient standard to clearly record all persons in the vehicle with the objective of preventing disorder or crime, public safety, the protection of health & morals, and the protection of rights & freedoms of others and to confirm or rebut complaints made against the driver or as evidence in motor insurance matters. The guidance now requires a minimum retention period of at least 28 days for any recording. However, due to the cost implications of retaining data for 28 days it is proposed that this required retention period will only come into force from 1st April 2015 at initial licensing or renewal. Currently there is no retention period and officers have been unable to obtain recordings for various reasons as they have been overwritten (see appendix 2). However, requests made by Officers for recordings are only a proportion of the total requests made to data controllers for example complaints made directly to operators or to the Police where shorter timescales are involved are anecdotally more successful. Officers have only received one report from the police that they were unable to obtain footage to help with their

enquiries and Operators have reported that CCTV footage has exonerated several drivers following serious accusations.

- 3.10 The latest Brighton & Hove hackney Carriage Unmet demand Survey (Halcrow report) asked drivers whether they agreed with the current policy of all vehicles having CCTV. 71.9% of hackney carriage and 54.1% of private hire respondents agreed with the policy. The public attitude survey carried out by Halcrow shows that 88.4% of respondents agreed with the Council's policy of having CCTV fitted in taxis.
- 3.11 Officers aim to avoid gold plating the specification for CCTV; ill thought-out, detailed but incorrect specification could cost licence holders time and money. There is a government (Department of Business Innovation and Skills) requirement for the Council to maintain a business friendly regulatory environment; that means that Council policy-making needs to achieve proportionality, consistency and transparency without imposing unnecessary burdens on business. Licence conditions should not be imprecise or difficult for the licence holder to observe; they should impose the minimum necessary burden to achieve the necessary public safety protection.
- 3.12 The Advertising guidance has also been amended to allow built in headrest DVD/Video and headrest cover advertising. It is hoped this will increase potential income for a proprietor of a vehicle.
- 3.13 The requirement for a minimum engine capacity of at least 1600cc is removed to allow smaller lighter vehicles with alternative fuel types and flexibility on the number of passengers a vehicle may be licensed for as part of proposals to lower emissions from hackney carriages and private hire vehicles. Licensing lighter smaller vehicles with smaller engines that carry fewer passengers may create opportunities for local enterprise and open new market opportunities as well as creating conditions to improve air quality.
- 3.14 A formal process for the determination of appeals against the refusal to allow the "renewal" of an expired licence has been included. In 2011 Exeter City Council was taken to court with regard to the late licensing of a vehicle (Exeter City Council v Sandle 2011). The Judge concluded that an expired licence could not be renewed as it ceased to exist on expiry and only in exceptional circumstances should an application for renewal be entertained after a delay of two to three days.
- 3.15 Private Hire Operators will be required to have a document setting out their policies and procedures in relation to those with a disability. They will also be required to undertake monitoring of use of their service by those with a disability and provide a summary of monitoring in a format as required by the council. Operators will also be required to have a document summarising all complaints received during the previous year whether upheld or not.

- 3.16 Any amendments, changes or additions approved and issued by the council to this handbook must be attached to the inside of this cover and treated as if they are part of the handbook.
- 3.17 It is best practice to review any policies adopted by the council every three years. The handbook should therefore be reviewed in 2017.
- 3.18 It is intended that the handbook will be produced in a booklet format and made available for all hackney carriage & private hire, drivers, proprietors & operators.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

None

5. COMMUNITY ENGAGEMENT & CONSULTATION

Finance and Legal Services Taxi Forum. Local Authority Designated Officer / Safeguarding & Quality Assurance Unit. The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum. A draft of the Blue Book and CCTV guidance was circulated to members of the forum inviting comments. No comments were received regarding the Blue Book. There are opposing views from the trade regarding CCTV and retention periods mainly related to additional costs burden to proprietors.

6. CONCLUSION

That members consider the recommendations

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications

The financial implications associated to the recommendations in this report will be met from within existing Environmental Health & Licensing revenue budgets.

Finance Officer Consulted: Steven Bedford

Date: 10/01/2014

7.2 Legal Implications

These are detailed in the body of the report

Lawyer Rebecca Sidell Date: 14/01/14

7.3 Equalities Implications:

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a

priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

7.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

7.5 Any Other Significant Implications :

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime and increasing the safety of passengers and drivers.

The transport industry should be safe, profitable and be a positive experience for residents and visitors. Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

SUPPORTING DOCUMENTATION

Appendices:

- 1. 3rd Edition of the Blue Book**
- 2. CCTV log spread sheet**



Brighton & Hove City Council

BLUE HANDBOOK FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS 3rd Edition

ANY AMENDMENTS, CHANGES OR ADDITIONS APPROVED AND ISSUED BY THE COUNCIL TO THIS HANDBOOK MUST BE ATTACHED TO THE INSIDE OF THIS COVER AND TREATED AS IF THEY ARE PART OF THE HANDBOOK.

This edition was approved The Licensing Committee on the 6th March 2014.

Date of next complete review March 2017.

Hackney Carriage and Private Hire Handbook.

This handbook has been produced to give guidance to drivers, proprietors and operators of the above vehicles, and has been

Adopted as the policy document of the Council.

Any requirements of legislation that has effect on the operations being carried out under the terms of any licence granted should be regarded as if they are requirements of that licence. Wherever there appears in this Handbook a summary of any statutory provisions you are advised that such summary may not be exhaustive.

Information held on Drivers, Vehicles and Operators

Any information held will be used for the purposes of licensing hackney carriage/private hire drivers and operators but it may be used for other Council purposes where this is permitted by law. The Council is registered under the Data Protection Act 1998 for these purposes. This Authority is under a duty to protect the public funds it administers. We may check information provided, or information provided by a third party, with other information held, such as Council Tax and Housing Benefit, to check the accuracy of information; to prevent or detect crime; and to protect public funds and in other ways permitted by law. The Council may also share this information with other public bodies administering public funds for these purposes, the Police, Revenue and Customs, UK Border Agency, Department for Works and Pensions (DWP). These may include other government departments and other local authorities. We will not disclose information about you to anyone, unless the law permits us to. The Council is the Data Controller for the purposes of the Data Protection Act 1998.

Introduction

The Council licenses the following;

Hackney Carriage Vehicles and Drivers.

Private Hire Vehicles and Drivers and Operators.

The authority for doing so is by adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part II. (Section 45), the Town Police Clauses Act 1847, (Section 68) and the Public Health Act 1875, (Section 171).

The Acts require that the Council must be satisfied that the vehicle is: -

- suitable in type, size and design for use as a hackney carriage or private hire vehicle and it is in a suitable mechanical condition, safe and comfortable.

In the case of private hire vehicles it is further required that

- they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

Any vehicle used as a hackney carriage or for private hire must

- have in force a policy of insurance in relation to the use of that vehicle.

In addition to the statutory requirements a Council may attach to the grant of a licence such conditions as the Council considers reasonably necessary. However, the 1985 Transport Act specifically states that the Council shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the Council. It should be noted that in the case of hackney carriages the numbers may be limited only if the Council can show there to be no significant unmet demand for this type of vehicle licence.

In respect of the issue of driver's licences the Local Government (Miscellaneous Provisions) Act 1976 requires the Council to be satisfied that each applicant is a fit and proper person to hold such a licence prior to its grant. There is no authority to attach any condition to a hackney carriage driver's licence as they are controlled by means of byelaws, but conditions may be applied to private hire driver licences.

The Handbook is divided into six sections as follows;

Section 1. Hackney Carriage and Private Hire Vehicles;

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| 5 - 10 | (a) | Procedure for licensing a Hackney Carriage. |
| 11 - 23 | (b) | Conditions relating to Hackney Carriages. |
| 24 - 27 | (c) | Bye laws relating to Hackney Carriages. |
| 28 - 34 | (d) | Procedures for licensing Private Hire Vehicles. |
| 35 - 47 | (e) | Conditions relating to Private Hire Vehicles. |

Section 2. Licensing Drivers;

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| 48 - 52 | (a) | Procedure for licensing hackney carriage & private hire drivers. |
| 53 | (b) | Bye laws relating to Hackney Carriage Drivers. |
| 54 - 59 | (c) | Conditions relating to Private Hire Drivers. |
| 60 - 65 | (d) | Guidelines relating to criminal offences. |

Section 3. Operators Licences;

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| 66 - 68 | (a) | Procedure for licensing Operators. |
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Section 5. Locations of Hackney Carriage Ranks.

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Section 1.

Part A

Procedure for licensing a Hackney Carriage Initial Inspection

Brighton & Hove City Council operates a restricted number policy in connection with the number of hackney carriage vehicle licences it issues in accordance with the 1985 Transport Act. A waiting list is maintained by the Council enabling it to issue any extra hackney carriage vehicle licences when they become available, to those persons at the head of that list. Strict conditions apply and to be included on this list existing drivers who meet the conditions need to make application each year during the month of March to obtain credits.

The vehicle should normally meet the requirements laid down in the Councils Accessibility Policy for Hackney Carriages and be presented to the Licensing Officer prior to licensing for inspection to ensure compliance with the following conditions and bye laws;

1. Suitability.

- 1.1 Vehicles must be M1 ECWVTA (EC Whole Vehicle Type Approved) and in the case of conversions hold a National Small Series Type Approval (NSSTA) or Individual Vehicle Approval (IVA) conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles),
- 1.2 In the case of a first application for a hackney carriage vehicle licence the vehicle must not normally exceed 7 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence and not to be left-hand drive.
- 1.3 In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles), or is M1 ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible, the vehicle must not normally exceed 12 years of age from date of first registration, and not more than 12 years of age in the case of any subsequent application and not be left hand drive.
- 1.4 Wheelchair accessible vehicles will normally be required to comply with the requirements of the Council's Hackney Carriage Accessibility Policy in place at the time of licensing
- 1.5 The age of the vehicle in section 1.2 and 1.3 to be taken from the vehicle registration document.
- 1.6 The maximum age limits described in section 1.2 and 1.3 may only be exceeded if the vehicle presented is in exceptional condition (as confirmed by the inspecting garage).

- 1.7 In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, it must provide at least two doors for the use of passengers conveyed in the vehicle neither being the door used by the driver, with at least one opening to the near-side. The vehicle must be of a size and comfort as decided by the Executive Director Environment Development & Housing and conform to the Council's Accessibility Policy for Hackney Carriage vehicles.
- 1.8 All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 1.9 Vehicles must be of a type approved by the Executive Director Environment Development & Housing, be fitted with four road wheels and have the appropriate number of doors for entry or egress for the number of passengers on the licence as decided by the Executive Director Environment Development & Housing
- 1.10 In the case of an estate type vehicle or a hatchback type saloon the hatch door will not be considered or counted as a door for means of entry or egress.
- 1.12 That in no circumstances will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy or that would require them to climb over any seat or luggage in the vehicle. All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel).
- 1.13 An audio warning clearly audible to passengers for vehicles with sliding doors is operational when the ignition is turned on and the rear side passenger doors are open.
- 1.14 Extra handles be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers when getting into and out of the vehicle.
- 1.15 A suitable additional step as decided by the Executive Director Environment Development & Housing shall be provided at the rear side entrances to the vehicle.
- 1.16 Luggage space must be reasonable and sufficient for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating.
- 1.17 Any spare wheel must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres, passengers must not be carried when in use.
- 1.18 LPG conversions other than new vehicles must be carried out by Government Approved Garages for such conversions and the necessary certificate produced. Sufficient space should still be available for luggage.
- 1.19 Vehicles that are Category C & D insurance "write offs" may be licensed provided that a Vehicle Identity Check (VIC) certificate has been issued for category C and written confirmation from the insurer is provided

confirming they are aware that the vehicle is a C or D “write off”

2. Mechanical Inspection.

If the vehicle meets the standards required by the initial inspection it should be presented to one of the Council nominated test centres, currently;

Lee Motors, Church Place, Kemp Town, Brighton,
Autofit, Unit 1, Chalex Industrial Estate, Manor Hall Road, Southwick,
Smith & Humphries, Ninfield.

TLS, Unit E1, Meridian Industrial Estate, Hoyle Road, Peacehaven,
KAP, New Town Road, Hove.

HoveMot.com, of The Old Studio, Cambridge Works, Cambridge Grove, Hove
The inspection is to determine that the vehicle is in road worthy condition to enable a certificate of compliance to be issued. The requirement for Mechanical Inspection applies to all vehicles except those new vehicles with delivery mileage only on the odometer.

3. Final Inspection prior to licensing

The following will be checked prior to licensing;

- 3.1 A satisfactory mechanical inspection form. (Fitness Certificate)
- 3.2 Sight of current vehicle insurance certificate or cover note, (to include towing and the carriage of the number of wheelchairs for which the vehicle is adapted if necessary).
- 3.3 The registration document. – Registered keeper’s details document.
- 3.4 Certificate of Compliance for all vehicles other than new vehicles with only delivery mileage on the odometer.
- 3.5 A current road fund licence, (tax disc).
- 3.6 A Council approved calendar controlled meter fitted in a position as to be readily seen by all passengers and sealed with the current tariff installed.
- 3.7 A Council approved and valid fire extinguisher
- 3.8 A current tariff card as agreed by the Council fixed in a prominent position where it may be seen by any passenger carried.
- 3.9 In the case of a change of vehicle, the Expiring or Surrendered vehicle licence.
- 3.10 Vehicle presented in full Council livery: - white bodywork, bonnet and boot lid or hatchback or estate rear door painted aquamarine to colour code BSI 6E53 or covered in aqua vinyl with 3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076. Council issued door signs and door number showing the vehicle plate number with the pavilion logo foremost on the front doors and plate number to the rear doors. A single telephone number of the operator may be shown on the front doors below the Council logo and shall not exceed the logo in length. Both signs to be provided by the Council.

- 3.11 Council approved roof sign. (See Section 23 Roof Signs)
- 3.12 CCTV installed to be operated and maintained in accordance with the requirements of the Executive Director Environment Development & Housing.

4. Issue of Licence.

Subject to all conditions being met the licence will be granted. An invoice for the appropriate fee including a plate deposit for new plates issued will be raised following application which must be paid within 30 days or any licence issued will be invalid and subsequently be revoked.

5. Renewal of Licence, (Annual re-licensing).

- 5.1 Vehicles must comply with the requirements of section 3.1 to 3.12 and section 4 above
- 5.2 The licensing period runs for 1 year from date of commencement or 6 months in the case of vehicles over 10 years from registration.
- 5.3 Application for renewal may be made for relicensing up to one month prior to expiry by personal application and an appointment must be pre-booked with the Hackney Carriage Office.
- 5.4 Council policy allows a licence holder to “renew” a Hackney Carriage Vehicle provided that such application is made prior to expiry of the licence as an expired licence cannot legally be “renewed”. As a consequence any request to “renew” an expired licence will normally be refused. Failure to make a prior booking to renew a licence may result in vehicles not being licensed immediately.
- 5.5 No licence will be issued unless the application is complete with all documents, information and the payment required. Any incomplete application will be returned to the applicant.

6. Mechanical Testing.

- 6.1 The Council nominated testing garages will endeavour to test all vehicles within 10 working days of application to them for testing.
- 6.2 If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Road Vehicles (Construction and Use) Regulations 1986, then the plate may be removed by the testing centre, or any authorised officer, until such time as the vehicle passes the test, and until the plate is returned the vehicle may not be used for hire and reward or plying for hire.
- 6.3 Any vehicle called for inspection which fails to attend may have its licence suspended immediately and subsequently the licence may be revoked.
- 6.4 Any vehicle failing to keep an appointment for testing will incur a fee payable to the nominated garage.

7. Vehicle Damage.

- 7.1 The proprietor of any hackney carriage must report to an authorised officer as soon as reasonably practicable, and in any case within seventy two hours, the occurrence of any accident involving the hackney carriage.
- 7.2 The vehicle will be inspected by an authorised officer and a decision made as to whether or not the vehicle is in such condition to continue in service.
- 7.3 If any damage to the vehicle is such that an authorised officer considers it still to be in a fit condition to continue in service until such time as a permanent repair is undertaken these must be undertaken within a maximum of 28 days of the damage occurring.
- 7.4 If any damage is considered by an authorised officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.
- 7.5 In the case of any dispute as to section 7.4 above the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which shall be final. The appropriate fee for such examination will be paid by the proprietor.

8. Replacement Vehicles.

Any replacement vehicle must comply with sections 1 to 7 above.

A completed application form must be submitted with other necessary documents prior to any such vehicle being used as a hackney carriage. An invoice for the appropriate fee will be raised following application which must be paid within 30 days or any licence issued will be invalid and subsequently be revoked.

9. Change of Vehicle Owner.

If a proprietor transfers his interest in a vehicle to somebody else he must within 14 days give notice of the transfer in writing to the authorised officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fees paid.

Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer.

Where the interest of an existing proprietor's hackney carriage vehicle licence

registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Head of Planning and Public Protection, where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

10. Conditions.

The Council has the power to attach conditions to hackney carriage licences. The standard conditions are as set out in this handbook. Proprietors/Owners should ensure that vehicles comply with these conditions before submitting it for test. If any doubts about the application of any of these conditions to a vehicle exist the authorised officer should be contacted.

11. Suspension or Revocation.

The Council has the power to suspend or revoke a licence if the vehicle is unfit, for offences or non-compliance with the 1976 Act by operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned to the Council.

12. Designated Vehicles.

A list of wheelchair-accessible hackney carriages and private hire vehicles will be maintained in accordance with Sec 167 Equality Act 2010.

All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

Section 1.

Part B.

Conditions relating to Hackney Carriage Vehicles.

13. Interpretation.

In these conditions;

- 13.1 “The Council” means Brighton and Hove City Council.
- 13.2 “Executive Director Environment Development & Housing” means the Executive Director Environment Development & Housing , (for the time being) of the Council.
- 13.3 “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Licensing & Health Manager, (for the time being) of the Council.
- 13.4 “the vehicle” means the vehicle subject to the hackney carriage vehicle licence to which the conditions are attached.
- 13.5 “the proprietor” means the person currently shown on the hackney carriage vehicle licence as the proprietor of the vehicle.
- 13.6 “the driver” means the driver currently of the vehicle.
- 13.7 “mechanical inspection” means the certificate of compliance issued by the Councils nominated garage certifying that the vehicle is mechanically sound.
- 13.8 “any nominated garage” means for the time being the garage approved by the Council for the purpose of undertaking mechanical inspections.
- 13.9 Any obligation not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 13.10 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

14 Age of Vehicle.

- 14.1 In the case of a first application for a hackney carriage vehicle licence the vehicle must not normally exceed 7 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence and not to be left-hand drive
- 14.2 In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. London type hackney carriage purpose built), or is MI ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible the vehicle must not normally exceed 12 years of age from date of first registration, and not more than 12 years of age in the case of any subsequent application and not be left-hand drive.
- 14.3 The age of the vehicle in section 14.1 and 14.2 above to be taken from the

- vehicle registration document.
- 14.4 The maximum age limited described in section 14.1 and 14.2 above, may only be exceeded if the vehicle presented is in exceptional condition, See Section 15.3 below.
 - 14.5 All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
 - 14.6 A vehicle shall be taken as being re-licensed only if there was in force in respect of that vehicle a current hackney carriage vehicle licence previously issued by the Council immediately prior to it being re-licensed; there may be no lapse between licences.
 - 14.7 Any vehicle with a 'Q' plate registration will not be licensed if in excess of 7 years old from date of manufacture. Where the age of a 'Q' registered vehicle is not identifiable the age will be calculated as three years old at the date of 'Q' registration in line with the policy of the D.V.L.A

15. Maintenance and Appearance of Vehicle.

- 15.1 The vehicle and its fittings must at all times when it is available for hire or being used as a hackney carriage;
 - 15.1.1 be safe.
 - 15.1.2 be tidy.
 - 15.1.3 be clean.
 - 15.1.4 comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including but without prejudice to the generality of, the foregoing, the Road Vehicles (Construction and Use) Regulations 1986.
- 15.2 The vehicle must be, and must be maintained throughout the term of the hackney carriage vehicle licence, to a high standard of appearance to the complete satisfaction of the Council.
- 15.3 The following shall apply as a minimum:
 - 15.3.1 RUST- Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with more than three visible rust patches each of more than 20 sq.cms, should be failed.
 - 15.3.2 DENTS- Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/ length or a single dent of more than 20cms in diameter / length should be failed.
 - 15.3.3 SCRATCHES -Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.
 - 15.3.4 PAINT WORK- All panels on all vehicles including those which are wheelchair accessible and those which conform to the Conditions of Fitness as prescribed by Transport for London shall be painted in manufacturers 'white' colour except for bonnet and boot panels

which must be 'Aqua' in colour (BSI 6E53), except vehicles currently licensed which must meet this requirement upon replacement; panels with unmatched colours or in primer should be deemed as failures. Alternatively the bonnet and boot maybe covered in aqua vinyl (3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076)

- 15.3.5 SEATS- Passenger seats must be of sufficient size and comfort for the intended number of passengers as decided by the Executive Director Environment Development & Housing. All seats in the vehicle must comply with the Road Vehicle (Registration and Licensing) Regs. 2002. All seats, including the driver's, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. Front passenger seat must provide a headrest.
- 15.3.6 CARPETS / FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
- 15.3.7 HEADLINING and OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 15.3.8 WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.
- 15.3.9 BOOT / LUGGAGE COMPARTMENT. This should be empty, except for a spare wheel and essential tools. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- 15.3.10 INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.
- 15.3.11 WHEELCHAIRS & SWIVEL SEATS. must comply with Condition 29 below.
- 15.3.12 The inspecting garage will advise if in their opinion the vehicle is suitable to be licensed. Any disputes in interpretation of the above will be at the discretion of the Executive Director Environment Development & Housing.
- 15.3.13 Nets must be provided for use where luggage is not separated from the passengers.

15.4 **Exterior Markings**

- 15.4.1 No vehicle shall be licensed as a hackney carriage vehicle unless its exterior paintwork is white with the bonnet and boot painted aqua marine to BSI 6E53 or covered in aqua vinyl with 3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076.
- 15.4.2 Each hackney carriage shall display signs on each door in accordance with the design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied direct to the

door.

- 15.4.3 The vehicle plate issued by the Council in respect of the licensed vehicle shall be fixed securely on the outside of the vehicle at the rear in a conspicuous position and in such a manner as to be easily removed by an authorised officer or a constable.

16. Passengers.

The proprietor or driver of the vehicle shall not convey or permit to be conveyed in the vehicle more than the maximum number of persons specified in the licence.

17. Alteration of the Vehicle.

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

18. Safety Equipment.

A device to effectively prevent luggage and other goods placed in the rear of the vehicle from entering the front of the vehicle shall be available in estate cars and other similar vehicles at all times when such vehicles are used as a hackney carriage.

19. Interior Markings.

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence and the drivers badge.

20. INSPECTION OF VEHICLE.

- 20.1 The vehicle may not be available for hire or be used as a hackney carriage unless there is a current compliance certificate in force in respect of that vehicle.
- 20.2 Any vehicle that is 10 years old or older will require relicensing at six monthly intervals. The vehicle will be required to be fitness tested and a new compliance certificate produced following that test before any licence is issued.
- 20.3 Any vehicle that has excessive or dangerous faults recorded on a fitness test may be issued with a six month licence as decided by the Executive Director Environment Development & Housing until such time the Executive Director Environment Development & Housing is satisfied that the vehicle is being maintained to a satisfactory standard.

- 20.4 The vehicle must be mechanically inspected by one of the Councils nominated testing garages prior to a licence being issued.
- 20.5 The vehicle must be inspected and a mechanical inspection certificate issued within one month of application for a vehicle licence or for re-licensing of a vehicle licence.
- 20.6 Subparagraphs 20.1, 20.4 and 20.5 will not apply in the case of a new vehicle with only delivery mileage on the odometer.

21. Documents.

There must be carried in the vehicle when it is available for hire or being used as a hackney carriage;

- 21.1 The insurance certificate or insurance cover note or copy “for the purpose of plying for hire”.
- 21.2 A copy of the current tariff as approved by the Council clearly displayed within the vehicle where it may be seen by any passenger carried.
- 21.3 A sign giving the licence number of the vehicle and driver giving the maximum number of passengers to be carried, which will be issued by the Council and be displayed inside the vehicle where it may be clearly seen by any passenger carried.
- 21.4 Signs shall not contain anything of a religious or political nature or contain any matter likely to cause offence. An exception will be a small discreetly placed, symbolic item that is reflective of a personal belief that will keep a driver safe. This should not be directly in the line of sight of any passenger and should not present a risk to the safety of a passenger for instance being inadequately fixed and be submitted for approval by the authorised officer.
- 21.5 A copy of the Byelaws with respect to Hackney Carriages in Brighton & Hove.

22. Signs & Notices etc..

- 22.1 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or any devices whatsoever other than those mentioned in paragraph 22.2 below shall be displayed on, in or from the vehicle.
- 22.2 Signs permitted are;
 - 22.2.1 any registration number.
 - 22.2.2 any sign required by statute or subordinate legislation.
 - 22.2.3 any sign on a taximeter indicating that the vehicle is for hire.
 - 22.2.4 the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle displayed at a level as decided by the Executive Director Environment Development & Housing. (This is in addition to the sign required in 21.3 above).
 - 22.2.5 the roof sign referred to in paragraph 24 below.

- 22.2.6 any sign indicating membership of a national motoring organisation.
- 22.2.7 any sign requesting passengers not to smoke or eat or drink in the vehicle.
- 22.2.8 the tariff and licence number as in 21.2 and 21.3 above.
- 22.2.9 any sign approved by the Council to indicate that the payment of fares may be made by credit card shall be displayed on the front windscreen of the vehicle.
- 22.2.10 any sign provided by Brighton and Hove City Council to show that the vehicle is used for school contracts, shall be displayed in the windscreen in such a manner so as to not obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
- 22.2.11 Any sign approved by the Executive Director Environment Development & Housing to indicate the vehicle is a taxi bus
- 22.2.12 any sign indicating use of security camera in a vehicle.
- 22.2.13 any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle, nor any hanging obstruction be placed in any part of the vehicle.
- 22.2.14 any other sign within the vehicle must be approved by an authorised officer and must meet the conditions as set out above.
- 22.2.15 approved council livery.
- 22.2.16 Subject to approval from the Executive Director Environment Development & Housing advertising is permitted on the tip up seats of wheelchair accessible vehicles and any advertisement displayed conforms to the council's guidance for licensed vehicles.
- 22.2.17 Advertising is permitted on the rear wing of the vehicles (as decided by the Executive Director Environment Development & Housing) provided the vehicle is not exempt from displaying the council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles. The advertisement must be applied directly to the rear wings of the vehicle. Removable, temporary methods of display such as magnetic or similar applications are not acceptable.
- 22.2.18 Advertising by headrest cover or dvd/video player is permitted provided any unit fitted complies with Road Vehicles (Construction and Use) Regulations 1986 and does not interfere with any existing airbags or affect passenger safety and any advertisement displayed conforms to the council's guidance for advertising in licensed vehicles.

23. Licence Plate.

The design of the rear exterior plate shall be that approved by the Executive Director Environment Development & Housing. The Council must be informed

immediately should the licence plate showing the number of the hackney carriage licence be broken, lost or defaced. On no account must a hackney carriage ply for hire without a plate. (As required under the Town Police Clauses Act 1847, sections 51 and 52).

24. Roof Signs.

- 24.1 Each hackney carriage vehicle, other than a purpose built or wheelchair accessible vehicle shall have installed on the roof and display a toblorone roof sign bearing the words "Brighton & Hove Taxi" on its front and rear face in a position central to the width of the roof. The word "taxi" must be plainly and distinctly visible from the front and rear of the vehicle. The rear sign may have only the telephone number of the hackney carriage company instead of the wording "Brighton & Hove Taxi", and must be capable of being illuminated during the hours of darkness. The sign must be white with black lettering as agreed by the Executive Director Environment Development & Housing showing to the front and red with black lettering as agreed by the Executive Director Environment Development & Housing to the rear. The sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.
- 24.2 Subparagraph 24.1 shall not apply to a vehicle complying with the Conditions of Fitness as prescribed by Transport for London or a wheelchair accessible vehicle. Any vehicle of this specification must display a sign bearing the word "taxi" on its front face at roof level. The word "taxi" must be plainly and distinctly visible from the front of the vehicle.

25. Vehicle and Driver Identity Badges.

The vehicle badge issued by the council must be displayed at all times in the top nearside corner of the windscreen. The badge issued to the driver of the vehicle must be displayed directly below. Both badges displayed so as to be easily seen by passengers.

26. Criminal Cautions / Convictions.

In all cases the proprietor must within 3 days disclose to the Council the details of any Criminal Convictions, Cautions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court injunctions or Fixed Penalty Notices (personally or business related), Motoring convictions and penalty notices imposed upon him / her or in the case of a driver using their licensed vehicle the details of their driver. This covers the period they hold a licence of any kind.

Failing to disclose cautions convictions or any of the issues contained in the Council's guidelines for cautions & convictions section below will be regarded as a serious breach of the terms of the license and action will normally take place.

27. Change of address

The driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days of such change.

28. Wheelchair Accessible Vehicles – Applicable only to vehicles which comply with the Conditions of Fitness as prescribed by the Equality Act 2010.

28.1 A vehicle complying with the specifications required by the above Act must be adapted or designed to carry at least one wheelchair passenger whilst remaining seated in the wheelchair and meet type approval and be of such configuration without alteration.

28.1.1 there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.

28.1.2 there must be sufficient space for a wheelchair to travel facing forward or rearward.

28.1.3 there must be a separate means of securing the chair and the wheelchair occupant.

28.1.4 there must be serviceable wheelchair ramps and clamps carried in the vehicle.

28.1.5 be of a size and comfort as decided by the Executive Director Environment Development & Housing to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.

28.2 A vehicle designed or adapted in accordance with subparagraph 28.1 may carry a maximum of two signs indicating that it is capable of carrying wheelchair passengers.

28.3 Any swivel seat fitted must meet the requirements of the above Act.

28.4 The proprietor must ensure that all drivers of the vehicle are adequately trained in embarking, disembarking and safe carriage of passengers in wheelchairs. Proprietors must be able to demonstrate to the Authorised Officer that training has been provided upon demand.

29. Assistance Dogs.

No driver may refuse to carry a seeing, hearing or assistance (guide) dog that is in the charge of a fare paying passenger, and no charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person

training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him/her from this condition, any payment for such certificate to be paid by the applicant. The Council may then issue an exemption certificate to be displayed in the vehicle whilst that person is driving that vehicle.

30. Towing of Trailers.

No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for plying for hire has been produced to an authorised Officer. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper and watertight manner.

Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the D.V.L.A.

The vehicle with a trailer attached may not ply for hire or stand for hire on a taxi rank.

31. Dual Plating.

No vehicle will be granted a licence if it is licensed in another district or Council due to the problems of meeting the variance in conditions applied in different districts and Councils and the enforcement of those conditions in cases of non-compliance, (i.e. signs, meters, suspensions or revocation).

32. Mechanical Breakdown.

If any vehicle becomes unfit to complete a hiring during a hiring;

32.1 The driver shall be entitled to demand the fare for the distance already traveled as shown on the meter.

32.2 The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

33. Accidents.

Any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle should be reported to the council as soon as reasonably practicable and in any case within 72 hours.

34. Transfer of Interest.

34.1 If the proprietor transfers his/her interest in the vehicle to someone else

he/she must, within 14 days, give written notice to the Council of the transfer and the name and address of the transferee.

- 34.2 Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible as described in 1.3 above at the next renewal date following transfer.

35. Deposit of Driver Licences.

If the proprietor of the vehicle allows somebody other than him/herself to drive the vehicle, s/he shall before allowing that person to commence driving the vehicle ensure that the driver deposits his/her hackney carriage driver's licence with the proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle or any vehicle of his/hers. Provided that any licence so deposited shall be made immediately available to the driver upon request if she/he is required to produce the licence by any authorised officer of the Council or any constable. Where a driver works for two or more owners, arrangements should be made for duplicate licences to be issued.

36. Record of Licences.

The proprietor of the vehicle shall supply the operator of the vehicle, where applicable, such details relating to the vehicle licence, insurance and MOT / Certificate of Compliance as are required by the operator.

37. Taximeters.

All taximeters fitted to Brighton & Hove licensed hackney carriages shall be EEC or Transport for London type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If a taxi meter fitted to the vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause or permit the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed by an authorised officer of the Council.

38. Table of Fares.

There shall be displayed within the vehicle in a position so as to be clearly visible to any passenger a current table of fares supplied by the Council. The driver shall if requested by the hirer of the vehicle provide him/her with a written receipt for the fare paid.

39. CCTV and Safety Screens

CCTV equipment must be installed and operated in the licensed vehicle as described in the guidance CCTV Monitoring in Brighton and Hove Hackney Carriage and Private Hire Vehicles. (page 84). Any failure to install, maintain or operate a system is likely to lead to the vehicle licence being suspended, revoked or its licence not renewed depending on the circumstances.

The following licence conditions will apply:

- 39.1 the CCTV equipment shall be of a type approved by the Executive Director Environment Development & Housing and any images recorded must be retained for at least 28 days. (The requirement for systems to have a 28 day retention period from 1st April 2015 at initial licensing or renewal)
- 39.2 the CCTV must be operating at all times in the vehicle when trading and carrying passengers for hire and reward
- 39.3 the image quality must be of good quality in which events can easily be viewed and people identified
- 39.4 the equipment shall be installed and operated and maintained in a manner to the satisfaction of the Executive Director Environment Development & Housing
- 39.5 as far as the Council is concerned any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance matters
- 39.6 no recording or other material created from the system shall be used or distributed for any purpose other than allowed by (39.4) above or kept more than 31 days if not required under 39.4 above.
- 39.7 access to any recorded material shall be limited to the police, any authorised officers of the Council their legal advisors and persons covered by the Home Office Surveillance Camera Code of Practice and the Information Commissioners CCTV Code of Practice. Access to any material recorded must be available upon demand to the police, or any authorised officer of the Council within 24hrs from request at no charge to the person making the request.
- 39.8 notices indicating that a video / recording system is in operation and giving details of the data controller shall be clearly displayed in the vehicle.

Any CCTV system may have a cut out system attached. However it should not be used when there are passengers being carried for hire and reward in the vehicle. An explanation of why a cut out system was deployed will be required if an incident is reported which requires investigation. Significant negative weight will be given if no proper explanation as to the use of a cut out system is received.

Audio recordings are acceptable provided they comply with the Home Office

Surveillance Code of Practice and the Information Commissioners Code of Practice.

A Safety Screen fitted between the driver and passengers, may be installed in the licensed vehicle subject to the following:

- 39.7 approval in writing must be obtained from the Council before a safety screen is fitted into the licensed vehicle
- 39.8 for any safety screen installed in the licensed vehicle the Director must approve (a) the type of screen (b) the manner in which it is installed into the vehicle and (c) the person who installs it.
- 39.9 the vehicle proprietor must produce vehicle insurance for the vehicle, which includes an indemnity covering liability for any injury caused by the presence of the screen.

40. Complaints.

Any vehicle against which a complaint is laid must be presented to an authorised officer within one working day of being so requested for inspection, testing and for the driver to answer such complaint.

41. Inspection.

The vehicle may be called in for inspection at anytime by an authorised officer to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence.

42. Ranks.

The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time.

43. Vehicle Checks.

Any vehicle which is suspected of any infringement of legislation, bye laws or conditions may be inspected by an authorised officer at any time to ensure its fitness to be used as a hackney carriage in the interest of public safety.

44. Compliance.

The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietors and drivers jointly and severally.

Any vehicle currently licensed that does not meet the conditions at the time they come into force will be permitted to be re-licensed annually provided it passes the mechanical requirements, but any replacement vehicle will be required to meet all conditions as set out in this handbook.

45. Appeals.

- 45.1 Licence holders may appeal against all or any of these conditions attached to a licence granted.
- 45.2 Any appeal must be made within 21 days of the grant of a licence.
- 45.3 Appeals must be made to the Magistrates Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street, Brighton. Before appealing it is advisable to seek independent aid/or legal advice.
- 45.4 Applicants may appeal against the refusal to grant a licence.
- 45.5 Any appeal must be made within 21 days of the refusal of the licence.
- 45.6 Appeals must be made to the Crown Court.

Section 1.
Part C.

Hackney Carriage Bye Laws Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Brighton & Hove Council with respect to hackney carriages in the Brighton & Hove Council area.

INTERPRETATION

1. Throughout these byelaws "the Council" means the Brighton & Hove City Council and "the district" means the area of the City of Brighton & Hove.

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 painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(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 painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED.

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 watertight;

(c) provide any necessary windows and a 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; and

- (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.
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;
 - (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 clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the 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 suitably illuminated during any period of hiring; and
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or 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 THEIR 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 provided with a taximeter shall:
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter 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 a 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.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands appointed by the

Council which that hackney carriage is permitted to use;

- (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 which that hackney carriage is permitted to use;
 - (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 in 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.
8. A 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. 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.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. 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.
13. 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, station, or place at which he may take up or set down such person.

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 expresses at the commencement of the hiring his desire to pay 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 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.

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 a police station in the district and leave it in the custody of the officer in charge of the office on his giving a 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 if 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 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 2 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 therefore.

Section 1.

Part D.

Procedure for the Licensing of a Private Hire Vehicle Initial Inspection

46.

The vehicle shall normally be presented to the authorised officer for inspection to ensure compliance with the following conditions;

Suitability.

- 46.1 Vehicles must be M1 ECWVTA (EC Whole Vehicle Type Approved) and in the case of conversions hold a National Small Series Type Approval (NSSTA) or Individual Vehicle Approval (IVA) Certificate.
- 46.2 In the case of a first application for a vehicle licence it must be under 10 years since date of first registration, not more than 10 years in the case of any subsequent application for renewal of licence, and not be a left-hand drive vehicle. In the case of a first application for a wheelchair accessible vehicle that is M1 ECWVTA under 12 years since date of first registration and not more than 12 years in the case of any subsequent application for renewal of licence.
- 46.3 The age of the vehicle to be taken from the vehicle registration document.
- 46.4 The maximum age limit may only be exceeded if the vehicle is in exceptional condition, as confirmed by the inspecting garage.
- 46.5 The vehicle must be any single manufactures colour other than white. White to be decided by the Executive Director Environment Development & Housing
- 46.6 Vehicles must be of a type approved by the Executive Director Environment Development & Housing, be fitted with four road wheels and have the appropriate number of doors for entry or egress for the number of passengers on the licence as decided by the Executive Director Environment Development & Housing.
- 46.7 In the case of an estate / hatchback type vehicle the hatch will not be considered or counted as a door for means of entry or egress
- 46.8 In no circumstances will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy or that would require them to climb over any seats or luggage in the vehicle.

- 46.9 In the case of minibus or conversions there must be a minimum of two rear side doors, one opening to the rear side, to the passenger compartment and any luggage which occupies that compartment must be separated from the passengers in a safe manner and not obstruct any passageway or exit door. All passenger seats must face forward or rearwards in relation to direction of travel.
- 46.10 In the case of conversions all external fittings such as roof pods that could lead the vehicle to be mistaken as a hackney carriage must be removed.
- 46.11 Vehicles must be of a sufficient size and comfort to accommodate the number of passengers the vehicle will be licensed to carry (the normal minimum number being 4).
- 46.12 The seating configuration should be that ingress and egress should not be restricted by other seats i.e. that it should not be necessary to move or tip a seat to get into and or out of the vehicle.
- 46.13 An audio warning for vehicles with sliding doors shall be operational when the ignition is turned on when the sliding doors are open.
- 46.14 Extra door handles shall be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers getting into and out of people carrier type vehicles.
- 46.15 Suitable additional step(s) as agreed by the Executive Director Environment Development & Housing shall be fitted at the rear side entrances of people carrier type vehicles.
- 46.16 All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 46.17 In the case of vehicles which make provision for the carriage of passengers whilst still occupying a wheelchair there must be separate means of securing the wheelchair and passenger and serviceable ramps to assist loading and unloading.
- 46.18 The vehicle must not be of such design and appearance as to lead any person to believe that it is a hackney carriage.
- 46.19 Luggage space must be reasonable and sufficient for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating.
- 46.20 Any spare wheel must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres passengers must not be carried when in use.

46.21 Other than new vehicles with LPG capacity, L P G conversions must have been carried out by a garage approved by the Government for such conversions and a certificate confirming this produced. Sufficient luggage space should still be available following the conversion.

46.22 Vehicles that are Category C & D insurance “write offs” may be licensed provided that a Vehicle Identity Check (VIC) certificate has been issued for category C and written confirmation from the insurer is provided confirming they are aware that the vehicle is a C or D “write off”.

47. Standards, Maintenance and Appearance of Vehicle.

47.1 The vehicle and its fittings must be at all times when it is available for hire or being used as a private hire;

47.1.1 be safe.

47.1.2 be tidy.

47.1.3 be clean.

47.1.4 comply with all relevant statutory requirements application to the class of vehicle to which the vehicle belongs including but without prejudice to the generality of the foregoing the Road Vehicles (Construction and Use) Regulations 1986.

47.2 The vehicle must be, and shall be maintained throughout the term of the private hire vehicle licence, to a high standard of appearance to the complete satisfaction of the Council.

47.3 The vehicle must be kept in good condition to include the following;

47.3.1 RUST. Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with more than three visible rust patches of more than 20 sq.cms each should be failed.

47.3.2 DENTS. Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/length, should be failed.

47.3.3 SCRATCHES. any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.

47.3.4 PAINT WORK. All panels on a saloon vehicle shall be painted in a manufacturers standard colour, which may not be white, or of a colour which may appear to be white under street lighting; panels with unmatched colours or primer should be deemed to be failures.

- 47.3.5 SEATS. Passenger seats must be of sufficient size and comfort for the intended number of passengers as decided by the Executive Director Environment Development & Housing and comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats including the driver's must be free from cuts, tears or cigarette burns except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. Swivel seats must meet the Equality Act 2010 standards. Front passenger seat must provide a headrest. In the case of wheelchair accessible vehicles they must be of a size and comfort as decided by the Executive Director Environment Development & Housing to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.
- 47.3.6 CARPETS / FLOOR COVERING. All carpets and floor coverings shall be complete and free from cuts, tears or serious staining.
- 47.3.7 HEADLINING and OTHER TRIM. All interior trim including headlining shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 47.3.8 WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.
- 47.3.9 BOOT / LUGGAGE COMPARTMENT. This should be empty, except for spare wheel, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- 47.3.10 INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.
- 47.3.11 The inspecting garage will advise if in their opinion the vehicle is suitable to be licensed. Any disputes in interpretation of the above will be at the discretion of the Executive Director Environment Development & Housing .
- 47.3.12 Nets will be provided for luggage not separated from the passengers.

48. Inspection of Vehicle.

- 48.1 The vehicle may not be available for hire or be used as a private hire vehicle unless there is a current mechanical inspection certificate in force in respect of that type or class of vehicle.
- 48.2 The vehicle must be mechanically inspected by the Councils nominated testing centre prior to a licence being issued. For nominated garages see section 2 of this handbook.
- 48.3 The vehicle must be inspected and a mechanical inspection

certificate issued within one month prior to application for a vehicle licence or for the re-licensing of a vehicle.

- 48.4 Subparagraph 48.1, 48.2 and 48.3 will not apply in the case of a new vehicle with delivery mileage on the odometer from the date of first registration as verified by the vehicle registration document.

49. Final Inspection Prior to Licensing.

The following will be checked by an Authorised Officer prior to Licensing;

- 49.1 The Mechanical Inspection (Certificate of Fitness).
- 49.2 Insurance cover for the use to which the vehicle will be put to include towing and wheelchairs if necessary and other vehicle documents as listed on the application form.
- 49.3 That the vehicle has a Council approved valid fire extinguisher, and that all windows are clear of stickers with approved exceptions.
- 49.4 If a meter is fitted it must be EEC or Transport for London type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. Any meter fitted must be in a position as to be seen by all passengers, sealed and with the correct tariff.
- 49.5 Certificate of Compliance for all vehicles. New vehicles with only delivery mileage on odometer are exempt.
- 49.6 Door signs and numbers if required.
- 49.7 Vehicle registration document or proof of ownership i.e. bill of sale.

50. Issuing a Licence.

If all of the above items and all conditions are met and are satisfactory then the licence will be issued together with other appropriate material. An invoice for the appropriate fee will be raised following application which must be paid within 30 days or any licence issued will subsequently be revoked.

51. Re-Licensing.

- 51.1 All licences issued run from one year from the date of issue.
- 51.2 All vehicles presented for grant of a new licence must have a certificate of mechanical inspection dated within one month prior to application.
- 51.3 Council policy allows a licence holder to “renew” a Private Hire Vehicle provided that such application is made prior to expiry of the licence as an expired licence cannot legally be “renewed”. As a consequence any request to “renew” an expired licence will normally be refused. Failure to make a prior booking to renew a licence may result in vehicles not being licensed for the commencement of the following licensing period.
- 51.4 The vehicle will be re-inspected in accordance with section 2 above

- 51.5 A licence will only be granted if all documents, information and the payment required are complete. Any incomplete application will be returned to the applicant.
- 51.6 The Council's nominated testing garage will endeavour to test all vehicles within 15 working days of application to them for testing.
- 51.7 If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Road Vehicles (Construction and Use) Regulations 1986, then the plate may be removed by the testing centre or any authorised officer until such time as the vehicle passes the test, and until such time as the plate is returned, the vehicle may not be used for hire and reward.
- 51.8 Any vehicle called for inspection, which fails to attend, may have its licence suspended immediately and subsequently the licence may be revoked.
- 51.9 Any vehicle failing to keep an appointment for testing will incur a fee payable to the nominated garage.

52. Vehicle Damage or Accident Involving a Licensed Vehicle.

- 52.1 The proprietor of any private hire vehicle must report to the Authorised Officer as soon as reasonable practicable, and in any case within seventy-two hours, the occurrence of any accident involving the private hire vehicle.
- 52.2 The vehicle will be inspected by the Authorised Officer and a decision made as to whether or not the vehicle is in such condition to continue in service.
- 52.3 If any damage to the vehicle is such that the Authorised Officer considers it still to be a fit condition to continue in service until such time as a permanent repair is undertaken these must be undertaken within a maximum of 28 days of the damage occurring.
- 52.4 If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.
- 52.5 In the case of any dispute as to section 53.4 above, the vehicle will be taken to the Council's nominated testing garage (See Section 2) where a qualified mechanic will give a binding decision which shall be final, the appropriate fee for such examination will be paid for by the proprietor.

53. Replacement Vehicles.

Any replacement vehicle must comply with sections 51.1 - 51.9 above. A completed application form must be submitted with any other necessary documents prior to any replacement vehicle being used as a private hire vehicle

An invoice for the appropriate fee will be raised following application which must be paid within 30 days or any licence issued will subsequently be revoked.

54. Operator.

The vehicle used must be covered by an Operator's Licence issued by the Council.

55. Change of Vehicle Owner.

If a proprietor transfers his interest in a vehicle to somebody else he must immediately or in any event within 7 days give notice of the transfer in writing to an Authorised Officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the licence has been transferred to that person and all documentation completed and any necessary fees paid.

56. Exception from Display of Plate.

There are exceptions if a vehicle is used for a wedding ceremony or funeral. Application must be made in writing and a certificate of exception granted before the plate may be removed from the rear of the vehicle and it will then be displayed inside the vehicle to the side of the drivers seat in such a manner so as to be clearly seen when the drivers door is open. All other signs may in these circumstances be removed and the drivers badge must be carried in the vehicle and produced on demand.

57. Conditions.

The Council has power to attach conditions to private hire licenses. The standard conditions are as set out in this handbook. The vehicle must comply with these conditions before it is submitted for its test. If doubt exists about the application of any of these conditions the Authorised Officer should be contacted.

It is an offence to ply for hire or to stand on a hackney carriage rank with a private hire vehicle or to permit others to do so or tout for business.

The Council has the power to suspend or revoke a licence if the vehicle is unfit or for offences or non-compliance with the 1976 Act by operator or driver, or any other reasonable cause. In the case of revocation the plate must be returned.

Section 1.

Part E.

Private Hire Vehicle Licence Conditions made Under the Local Government (Miscellaneous Provisions) Act 1976.

58. In these conditions;

58.1 “The Council” means ‘Brighton & Hove City Council.’

58.2 “the Executive Director Environment Development & Housing” means the Executive Director Environment Development & Housing, for the time being of the Council.

Interpretation.

58.3

58.3.1 “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Licensing & Health Manager for the time being of the Council.

58.3.2 “the vehicle” means the vehicle subject of the private hire vehicle licence to which the conditions are attached.

58.3.3 “the proprietor” means the person for the time being shown on the private hire vehicle licence as the proprietor of the vehicle.

58.3.4 “the driver” means the driver for the time being of the vehicle.

58.3.5 “mechanical inspection” means the certificate issued by the Councils nominated garage certifying that the vehicle is mechanically sound and fit for use as a licensed vehicle.

58.3.6 “nominated garage” means for the time being the garage approved by the Council for the purpose of undertaking mechanical inspections.

58.4 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

58.5 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

59. Passengers.

The proprietor or the driver of the vehicle shall not convey or permit to be conveyed in the vehicle more than the maximum number of people (irrespective of age) specified in the licence.

60. Age of Vehicle.

- 60.1 In the case of a first application for a vehicle licence for that vehicle to be under 10 years since date of first registration and not more than 10 years in the case of any subsequent application for renewal of licence. In the case of a first application for a wheelchair accessible vehicle that is M1 ECWVTA under 12 years since date of first registration and not more than 12 years in the case of any subsequent application for renewal of licence
- 60.2 The age of the vehicle is to be taken from the vehicle registration document.
- 60.3 The maximum age limit described in section 60.1 above, may only be exceeded if the vehicle presented is in exceptional condition as confirmed by the inspecting garage.
- 60.4 A vehicle shall be taken as re-licensed, (renewal of licence), only if there was in force in respect of the vehicle a current private hire vehicle licence previously issued by the Council immediately prior to its being re-licensed, there may not be a lapse period between licenses.
- 60.5 Any vehicle with a "Q" plate registration will not be licensed if in excess of 10 years old from date of manufacture. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as three years old at the date of "Q" registration in line with the policy of the D.V.L.A. and taken from the registration document.

61. Maintenance and Appearance of Vehicle.

- 61.1 The vehicle and its fittings must at all times when it is available for hire or being used as a private hire vehicle;
 - 61.1.1 be safe.
 - 61.1.2 be tidy.
 - 61.1.3 be clean.
 - 61.1.4 comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs including but without prejudice to the generality of the foregoing the Road Vehicles (Construction and Use) Regulations 1986.
- 61.2 The vehicle must be, and shall be maintained throughout the term of the private hire vehicle licence, to a high standard of appearance to the complete satisfaction of the Council.
- 61.3 The vehicle must be of any single manufacturers colour other than white. (Interpretation of 'white' to be decided by the Executive Director Environment Development & Housing).
- 61.4 All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 61.5 Permitted door signs must be permanently fixed centrally on each front door of the vehicle as determined by the council. They should be 30cms by 46cms in size with white lettering, containing only the

words "PRIVATE HIRE" and "PRIOR BOOKING ONLY" and a single telephone number for the operator of the vehicle. The rear passenger doors will have signs showing the vehicle plate number. The signs to be supplied by the Council at no extra cost to the licence holder. If door signs are displayed a roof sign must also be displayed showing the single telephone number for the operator of the vehicle on the front and back of the roof sign.

- 61.6 The vehicle must be kept in exceptional condition to include the following;
- 61.6.1 RUST. Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with more than three visible rust patches of more than 20 sq.cms should be failed.
 - 61.6.2 DENTS. Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter / length or a single dent of more than 20cms in diameter / length should be failed.
 - 61.6.3 SCRATCHES. Any vehicle with un-repaired scratches down to bare metal on three or more panels of 5cms in length, or a single scratch of more than 20cms in length, should be failed.
 - 61.6.4 PAINT WORK. All panels shall be painted in other than white or any colour which may appear to be white panels with unmatched colours or in primer should be deemed a failure.
 - 61.6.5 SEATS. In conventional saloon vehicles where it is intended that the licence be for four passengers, the rear seat must be of sufficient size and comfort as decided by the Director and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations 2002. All seats, including the drivers, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
 - 61.6.6 CARPETS / FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
 - 61.6.7 HEADLINING and OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
 - 61.6.8 WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent windows without difficulty.
 - 61.6.9 BOOT / LUGGAGE COMPARTMENT. This should be

empty, except for spare wheel, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

61.6.10 INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.

62. Inspection of Vehicle.

- 62.1 The vehicle may not be available for hire or be used as a private hire vehicle unless there is a current mechanical inspection certificate in force in respect of that type or class of vehicle.
- 62.2 Any vehicle that is 10 years old or older will require relicensing at six monthly intervals. The vehicle will be required to be fitness tested and a new compliance certificate produced following that test before any licence is issued.
- 62.3 Any vehicle that has excessive or dangerous faults as decided by the Executive Director Environment Development & Housing recorded on a fitness test may be issued with a six month licence until such time the Executive Director Environment Development & Housing is satisfied that the vehicle is being maintained to a satisfactory standard.
- 62.4 The vehicle must be mechanically inspected by the Councils nominated testing garage prior to a licence being granted. (For list of nominated testing garages see Section 2).
- 62.5 The vehicle must be inspected and a mechanical inspection certificate issued within one month of application for the vehicle licence or for the re-licensing of a vehicle.
- 62.6 Subparagraphs 62.4 and 62.5 will not apply in the case of a new vehicle with only delivery mileage on the odometer.
- 62.7 The vehicle may be called for inspection at anytime by the Authorised Officer to ensure compliance. Failure to attend and show any documentation requested may lead to suspension or revocation of licence.

63. Alteration of the Vehicle.

No alterations in the original type specification, design or appearance of the vehicle shall be made without the approval in writing from the Executive Director Environment Development & Housing.

64. Documents.

There must be carried in the vehicle when it is available for hire or used as a private hire vehicle:

- 64.1 A copy of the insurance certificate or current insurance cover note.
- 64.2 A copy of the current tariff as advertised by the operator clearly

displayed within the vehicle where it may be seen by any passenger carried in cases where a meter is fitted.

- 64.3 A sign giving the licence number of the vehicle and giving the maximum number of passengers to be carried, will be displayed where it may be clearly seen by any passenger carried such notice to be issued by the Council.

65. Signs and Notices.

- 65.1 No signs notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices whatsoever (collectively referred to as “signs”), other than those mentioned in paragraph 65.2, 65.7, 65.8 and 65.10 below shall be displayed on, in or from the vehicle.
- 65.2 Signs permitted are;
- 65.2.1 any registration numbers.
- 65.2.2 any sign required by statute or subordinate legislation.
- 65.2.3 any sign on a taximeter indicating the vehicle has been hired.
- 65.2.4 the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle displayed to the near side at bumper height. (This is in addition to the sign required in 64.3 above inside the vehicle).
- 65.2.5 the roof sign referred to in paragraph 67 below. If required vinyl door signs as provided by the Council to be fitted direct to the vehicle front doors indicating that the vehicle is only available for hire by prior booking and showing one telephone number of the operator. If front signs used, rear door vinyl signs as provided by the Council showing the vehicle plate number to be fixed by the door handles.
- 65.2.6 any sign indicating membership of a national motoring organisation.
- 65.2.7 any sign requesting passengers not to smoke in the vehicle.
- 65.2.8 the tariff and licence number as in 64.2 and 64.3 above.
- 65.2.9 any sign approved by the Council to indicate that the payment of fares may be made by credit cards shall be displayed on the front windscreen of the vehicle.
- 65.2.10 any sign provided by 'Brighton & Hove City Council' to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as not to obstruct the drivers vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
- 65.2.11 any sign approved by the council to indicate that a security camera system is operated within the vehicle.

- 65.2.12 Any sign approved by the Executive Director Environment Development & Housing to indicate the vehicle is a taxi bus
- 65.2.13 any other sign on or in the vehicle must be approved by the Authorised Officer.
- 65.3 Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be positioned on the rear window of the vehicle, nor any hanging obstruction be placed in any part of the vehicle.
- 65.4. No sign may include in the lettering any word whether in the singular or the plural the words “taxi”, “cab” or “hire” or any word of similar meaning or appearance to any of those words whether alone or as part of another word.
- 65.5 All badges, plates or signs provided by the Council remain the property of the Council at all times.
- 65.6 Only licensed vehicles shall be permitted to carry advertising in relation to Hackney carriage or Private Hire Operators.
- 65.7 Advertising is permitted on the tip up seats of wheelchair accessible vehicles and any advertisement displayed conforms to the council’s guidance for licensed vehicles.
- 65.8 Advertising is permitted on the rear wing of the vehicles (as decided by the Executive Director Environment Development & Housing) provided the vehicle is not exempt from displaying the council’s livery and any advertisement displayed conforms to the council’s guidance for licensed vehicles. The advertisement must be applied directly to the rear wings of the vehicle. Removable, temporary methods of display such as magnetic or similar applications are not acceptable.
- 65.9 Advertising by headrest dvd player is permitted provided any unit fitted complies with Road Vehicles (Construction and Use) Regulations 1986 and does not interfere with any existing airbags or effect passenger safety and any advertisement displayed conforms to the council’s guidance for advertising in licensed vehicles.
- 65.10 No vehicle may be double plated (i.e. be licensed in two districts), due to the variance in conditions, signs required and matters relating to suspension and revocation
- 65.11 Livery as permitted by Brighton & Hove Council.

66. Licence Plate.

The Council must be informed immediately should the licence plate showing the number of the private hire vehicle be broken, lost or defaced. On no account must a private hire vehicle be used for hire without a plate unless written application has been made for, and an exemption certificate been granted. An exemption certificate will only be granted if the application meets the requirements of section 75 of the Local Government (Miscellaneous Provisions)

Act 1976.

67. Roof Signs.

An approved roof sign may be displayed on a private hire vehicle provided that it does not exceed 28cms by 10cms by 10cms, being white to the front and red to the rear. If such a sign is used it must at all times in black numbering display the telephone number of the company operator to the front and to the rear. Such signs must be gutter or magnetically mounted to the near side of the vehicle above the front passenger door and may be illuminated. The sign must at all times comply with any requirement of vehicle lighting regulations if and when illuminated.

68. Vehicle and Driver Identity Badges.

The vehicle badge issued by the council must be displayed at all times in the top nearside corner of the windscreen. The badge issued to the driver of the vehicle must be displayed directly below. Both badges displayed so as to be easily seen by passengers.

69. Criminal Cautions / Convictions

In all cases the proprietor must within 3 days disclose to the Council the details of any Criminal Convictions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court injunctions Fixed penalty notices (personally or business related), Motoring convictions and penalty notices imposed upon him / her or in the case of a driver using their licenced vehicle the details of their driver. This covers the period they hold a licence of any kind.

Failing to disclose cautions convictions or any of the issues contained in the Council's guidelines regarding convictions and cautions section below will be regarded as a serious breach of the terms of the license and action will normally take place.

71. Change of Address.

The driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days of such change.

72. Assistance Dogs.

No driver may refuse to carry a seeing, hearing or assistance (guide) dog which is in the charge of a fare paying passenger, and no charge shall be made for the

carriage of such a dog whilst in the company of a disabled person or any person training such a dog. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him from this condition, any payment for such a certificate to be paid by the applicant. Drivers must comply with the Equality Act 2010 at all times.

73. Wheelchair Accessible Vehicles.

The proprietor must ensure that all drivers of the vehicle are adequately trained in the embarking, disembarking and safe carriage of passengers in wheelchairs. Proprietors must be able to demonstrate to the Authorised Officer that training has been provided upon demand.

74. Compliance.

The responsibility for complying with these conditions unless otherwise stated shall be the proprietor and drivers jointly and severally. Any complaint in writing regarding a vehicle will result in the vehicle being called for inspection by the Authorised Officer and the vehicle must be presented within one working day with all documents, from the time the owner is informed. Failure to comply with any condition or legislation may result in the issue of a notice under Section 68 of the Act. (Stop notice).

75. Interim Inspection.

A vehicle may be called for inspection, including documents, at anytime. If it fails to meet the required standards the licence may be suspended or revoked under Section 68 of the Act of 1976. (Vehicles which fail to comply with any condition or requirement of legislation may be suspended until such time as they comply, failure to comply within two months will result in automatic revocation of licence).

76. Maintenance of Vehicle and Safety Equipment.

The proprietor of the vehicle shall;

- 76.1 provide sufficient means by which any person in the vehicle may communicate with the driver.
- 76.2 cause the roof or covering to be kept watertight.
- 76.3 provide adequate windows and the means of opening and closing them.
- 76.4 cause the seats to be properly cushioned and covered.
- 76.5 cause the floor to be provided with a proper carpet, mat or other suitable covering.
- 76.6 cause the fittings and furniture generally to be kept in a clean and well maintained condition.
- 76.7 provide means for securing luggage.
- 76.8 provide an efficient vaporising liquid or dry powder fire extinguisher

which shall be carried in such a position as to be readily available at all times, and this should be to BS EN3: 1996 Standard.

- 76.9 A device to effectively prevent luggage and other goods placed in the rear of the vehicle from entering the front of the vehicle shall be available in estate cars and similar types of vehicle at all times when such a vehicle is in use as a private hire vehicle.
- 76.10 ensure that the vehicle and all its fittings and equipment are at all times when the vehicle is in use or available for hire are kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in the Road Vehicles (Construction and Use) Regulations) are fully complied with.
- 76.11 ensure that no material alteration or change in the specification, design condition or appearance of the vehicle are made without the written approval of the Council at any time whilst the licence is in force.
- 76.12 all vehicles with rear seat belt anchorage points must be fitted with rear seat belts.
- 76.13 no private hire vehicle may be white or appear to be white in colour.
- 76.14 if a vehicle is fitted with a meter it shall be maintained in working order at all times and must be inspected and sealed by the Authorised Officer prior to use.
- 76.15 At all times a tariff card will clearly be displayed where it may be seen by any passenger giving the tariff applied by the operator through whom the vehicle is operated.

77. Mechanical Breakdown.

If any vehicle becomes unfit to complete a journey during a hiring;

- 77.1 The driver shall be entitled to demand the fare for the distance already travelled.
- 77.2 The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver is entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

78. Towing of Trailers.

No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Authorised Officer. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper manner so as to be watertight.

Any trailer used must comply with regulations in all respects and where required the driver must hold the appropriate towing licence as issued by the D.V.L.A.

79. Hackney Carriage Ranks.

Private hire vehicles may not stop on or near an appointed hackney carriage rank at anytime.

80. Private Hire Ranks.

Any private hire vehicle, singularly or with others, which give the appearance that it is available for immediate hiring, may commit an offence. No more than two vehicles may congregate in any one location giving the appearance that they are a rank and may be plying for hire, except at the office location of the operator for whom they work.

81. Dual Plating.

No vehicle may be licensed in two districts due to problems in the variance of conditions applied and enforcement of such conditions in cases of non-compliance.

82. Vehicle Checks.

Any vehicle which is suspected of any infringement of any legislation or condition may be stopped by an Authorised Officer at anytime to ensure its fitness to be used as a private hire vehicle in the interest of public safety.

83. Deposit of Licence.

Any vehicle proprietor who is employed by an operator to fulfil bookings made by the operator shall produce the original licence and deposit a copy of his vehicle licence with that operator during the period that the vehicle is employed by that operator. The operator shall return the licence to the vehicle proprietor at the end of the period. The deposit of licence will not be required of proprietors who hold their own operator licence.

84. CCTV and Safety Screens.

CCTV equipment must be installed and operated in the licensed vehicle as described in the guidance CCTV Monitoring in Brighton and Hove Hackney Carriage and Private Hire Vehicles. (page 84). Any failure to install, maintain or operate a system is likely to lead to the vehicle licence being suspended, revoked or its licence not renewed depending on the circumstances.

The following licence conditions will apply:

- 84.1 the CCTV equipment shall be of a type approved by the Executive Director Environment Development & Housing and any images recorded must be retained for at least 28 days. (The requirement for systems to have a 28 day retention period from 1st April 2015 at initial licensing or renewal)
- 84.2 the CCTV must be operating at all times in the vehicle when trading and carrying passengers for hire and reward
- 84.3 the image quality must be of good quality in which events can easily be viewed and people identified
- 84.4 the equipment shall be installed and operated and maintained in a manner to the satisfaction of the Executive Director Environment Development & Housing
- 84.5 as far as the Council is concerned any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance matters
- 84.6 no recording or other material created from the system shall be used or distributed for any purpose other than allowed by (84.4) above or kept more than 31 days if not required under 84.4 above.
- 84.7 access to any recorded material shall be limited to the police, any authorised officers of the Council their legal advisors and persons covered by the Home Office Surveillance Camera Code of Practice and the Information Commissioners CCTV Code of Practice. Access to any material recorded must be available upon demand to the police, or any authorised officer of the Council within 24hrs from request at no charge to the person making the request.
- 84.8 notices indicating that a video / recording system is in operation and giving details of the data controller shall be clearly displayed in the vehicle.

Any CCTV system may have a cut out system attached. However it should not be used when there are passengers being carried for hire and reward in the vehicle. An explanation of why a cut out system was deployed will be required if an incident is reported which requires investigation. Significant negative weight will be given if no proper explanation as to the use of a cut out system is received.

Audio recordings are acceptable provided they comply with the Home Office Surveillance Code of Practice and the Information Commissioners Code of Practice.

A safety screen may be installed in the licensed vehicle subject to the following conditions:

- 84.7 Approval in writing must be obtained from the Council before a safety screen is fitted into a licensed vehicle.
- 84.8 For any safety screen installed in the licensed vehicle the the Executive Director Environment Development & Housing must approve

- (a) the type of screen
 - (b) the manner in which it is installed in the vehicle
 - (c) the person who installs it
- 84.9 The vehicle proprietor must produce vehicle insurance for the vehicle which includes an indemnity covering liability for any injury caused by the presence of the screen.

85. Accidents.

Any accident to the private hire vehicle causing damage materially affecting the safety performance or appearance of the vehicle should be reported to the Council as soon as reasonably practicable and in any case within 72 hours.

86. Transfer of Interest.

If the proprietor transfers his/her interest in the vehicle to someone else he/she must, within seven days, give written notice to the Council of the transfer and the name and address of the transferee.

87. Record of Licences

The proprietor of the private hire vehicle shall supply the operator of the vehicle, where applicable, such details relating to the vehicle licence insurance and MOT/Certificate of Compliance as are required by the operator.

88. Taximeters.

If a taximeter is fitted in a licensed private hire vehicle it shall be EEC or Transport for London Office type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If the meter is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause the vehicle to be used for hire until the taximeter has been satisfactorily tested and seal by an authorised officer.

89. Table of Fares.

If a taxi meter is fitted in the vehicle, there shall be displayed within the vehicle in a position so as to be clearly visible to any passenger a current table of fares in form and printing previously submitted and approved by the Council. The driver shall if requested by the hirer of the vehicle provide him/her with a written receipt for the fare paid.

90. Licence Conditions.

Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the Blue Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators a summary of any statutory provisions you are advised that such summary is not exhaustive.

Any vehicle licensed that does not meet the conditions at the time they come into force will be permitted to be re-licensed annually provided it passes the mechanical requirements, but any replacement vehicle will be required to meet all conditions as set out in this handbook.

91. Appeals.

- 91.1 You may appeal against all or any of the conditions attached to a licence granted to you.
- 91.2 You may appeal against the refusal of a licence to you.
- 91.3 Any appeal must be made within 21 days of grant of licence or the refusal of such a licence.
- 91.4 Appeals must be made to the Magistrates' Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street Brighton.

Section 2.

Part A.

Procedure for Licensing Hackney Carriage and Private Hire Drivers.

Any driver must be a fit and proper person. It is not possible to give a precise definition of what this is, but at its heart is keeping passengers safe and free from risk. This section relates specifically to driver conduct.

Brighton & Hove City Council condemns all incidents of harassment whether racist, religiously motivated, homophobic, transphobic or due to gender or disability, whether perpetrated by Council staff, employees, agents, third parties or those involved in providing licensed taxi service whether hackney or private hire. If incidents are reported to the Council they will be investigated and where warranted enforcement action taken against the perpetrator. It is clear under the law that if the matter was to go to Court on appeal then these allegations can and should be put before the Court to help it decide whether the driver or operator is a fit and proper person.

Criminal Cautions / Convictions.

As the correct test is that a driver must be a fit and proper person – we take into account a range of issues which might bring this in to question. The rehabilitation of offenders provisions do not always apply and spent convictions can be taken into account if they are relevant and serious. Cautions although generally perceived be lower level will for the purposes of a driver license be relevant and taken in to account.

Failing to disclose cautions convictions or any of the issues below will be regarded as a serious breach of the terms of the license and action will normally take place. The list of issues of concern are:

1. Criminal convictions.
2. Cautions.
3. Community resolutions.
4. Anti-social behavior orders
5. Criminal Behavioral Orders
6. County Court injunctions relating to behavior.
7. High Court injunctions relating to behavior.
8. Fixed penalty notices (personally or business related).
9. Motoring convictions and penalty notices.

In all cases the proprietor must within 3 days disclose to the Council the details of any of the above imposed upon him or her or where their drivers are using their hackney carriage the details of their driver. This covers the period they hold a licence of any kind. In the case of a new application this covers the period

leading up to the application.

Hiding information / evidence.

Any attempt to hide information - such as turning off CCTV during an incident, will be regarded as a serious matter and the driver will have to establish a valid reason why this happened. The Council can and will draw an adverse inference from any such action.

92. Making Application.

All applicants are advised that to avoid errors in completing an application they collect the papers required from the Taxi Licensing Office, at that time they will receive an explanation as to the requirements.

Prior to issue of a licence the following will be required;

- 92.1 The Disclosure and Barring Service (DBS) form must be completed by the driver and checked and forwarded to the DBS by the Taxis Licensing Office. The driver will also have to provide a copy of the DBS Certificate to the Authorised Officer on issue. The Certificate must be less than 2 years old from date of issue unless the driver has signed up to the online checking service. Failure to provide a current certificate will lead to delay in any new application.
- 92.2 Applicants will be required to produce a birth certificate and / or passport to show date and place of birth, on initial application only
- 92.3 The applicant will be required to produce a full current driving licence, both parts where this type of licence is held, for the correct group as required for driving a hackney carriage or private hire vehicle as issued by the DVLA and must have been held for at least twelve months. EEC licences must be converted to a UK DVLA licence before application is made.
- 92.4 The application form must be completed and all questions must be fully answered.
- 92.5 References will be written for from the names provided. These must be persons of some standing in the community, and should normally include your current employer. A future employer, relations or friends are not acceptable. References are only required on initial application.
- 92.6 Four colour passport photographs must be provided for initial applications (one on subsequent applications to renew a current licence); these are used for positive identification on references, for the issue of I.D. badges to successful applicants and for office records.
- 92.7 A medical certificate in the form supplied by the Council, from the applicants own general medical practitioner on initial application, one at age 45, 50, 55, 60, 65 and annually thereafter, or at anytime as required by the Council. All medicals are to be to the standard

required for vocational licences Group 2 as described on the DVLA web site under the heading 'At a glance Guide to the current Medical Standards of Fitness to Drive'.

- 92.8 All applicants must have in addition to the above have passed the BTEC Level 2 Certificate in Introduction to the Role of the professional Taxis and Private Hire Driver (QCF) (or equivalent award as decided by the Director) and have undertaken and passed the Driving Standards Agency (D.S.A.) Taxi Drivers Test or Private Hire Drivers Test and produce the necessary pass certificate before undertaking a knowledge test.
- 92.9 No licence will be issued unless all information has been supplied. An invoice will be raised on application and must be paid within 30days or any licence will be revoked.
- 92.10 When all above items are in hand, the applicant will, when ready, be invited to undertake a knowledge test of the area and a routes test. The Route test must be passed within 8 weeks of the first knowledge test. Subject to the applicant achieving a satisfactory standard and the fee being paid then an appropriate licence will be granted and I.D. badges issued.
- 92.11 Anyone failing the knowledge test or routes test will be invited to retake the test at a later date. An additional fee is due for each test undertaken.
- 92.12 The Council reserves the right to require any applicant to provide additional Criminal Record forms or full medical forms if they have reason to believe that changes have taken place since the original application.
- 92.13 Any application not completed within 6 months will be considered as null and void and all new information will need to be submitted. No refund of fees paid will be made.
- 92.14 In all cases sight of a passport will be required or other document as required by the Council.

93. Annual re-licensing of drivers.

- 93.1 Drivers will be required to comply with those conditions for initial application above in section 92.1 to 92.14 with the exceptions of 92.2, 92.5, 92.8, 92.10, and 92.11.
- 93.2 Drivers are required to undergo annual competence training as required by the Executive Director Environment Development & Housing and are to produce a Certificate of Professional Competence at renewal.
- 93.3 In cases where a medical condition of the applicant needs to be referred to the Council's Medical Consultant, a licence will not normally be renewed until a satisfactory report is received from the Councils Medical Consultant.
- 93.4 Hackney Carriage driver licences are issued for a period of one

- year from the date of commencement of the licence.
- 93.5 Private Hire driver licences are issued for a period of one year from the date of commencement of the licence.
- 93.6 All applications for renewal should be made a minimum of three weeks prior to expiry date with all papers required complete at time of application to enable any checks of official records to be made prior to the issue of a new licence. Note: you are advised to apply for your DBS at least 8 weeks in advance of this.
- 93.7 Any licence not renewed on or before renewal date will be deemed to be a new application and not a renewal of an existing licence other than, where the application is delayed by no more than 3 days and a clear explanation for the delay is provided. Beyond the expiry of 3 days after the renewal date it will only be in exceptional circumstances that the Council will consider the application to renew as anything other than a new application.
Any driver that has failed to renew their licence is not entitled to drive for the period that the renewal application is pending as technically the licence has expired.
- 93.8 Any incomplete applications will be returned to the applicant and not be processed until application is resubmitted with all details and papers as required.
- 93.9 Where an invoice for a licence is not paid the original application will be deemed invalid and the licence revoked.
- 93.10 Any new and existing Brighton & Hove hackney carriage or private hire driver who accrues more than seven penalty points on his or her UK driver's licence within a one year period will be required to undertake and obtain a pass certificate for the hackney carriage / private hire taxi assessment test from the Driving Standards Agency (DSA) within a period of one year from the date of the last conviction or fixed penalty endorsement before their driver's licence will be renewed.
- 93.11 The Executive Director Environment Development & Housing has delegated powers to require at his discretion any Brighton & Hove licensed hackney carriage or private hire driver to undertake and pass the DSA hackney carriage / private hire driver taxi test within a period of one year or shorter period from being required to do so.
- 93.12 Any driver disqualified by a court under the totting up procedure or otherwise will be required to apply as a new applicant following at least one year from restoration of their DVLA licence.

94. Driver Badges.

The drivers badge issued by the Council must be worn in such position that it can be clearly seen at all times. The second badge is to be displayed clearly in the vehicle. The badges remain the property of the Council.

95. Complaints.

Any driver against whom a complaint is laid will attend at the office of the authorised officer, within one working day to answer such complaint, after having been informed of such requirement to attend.

96. Inspection.

Any driver called for inspection must attend with any documents requested; failure to do so may lead to suspension or revocation of licence.

97. Must be Licensed.

Attention is drawn to section 46 of each of the 1847 and 1976 Acts which require ALL drivers of hackney carriage and private hire vehicles to hold an appropriate driver licence, as issued by the Council, and it is an offence which affects the insurance to allow any unlicensed person to drive any licensed vehicle, (see Guidelines to Offences for penalties). In effect only hackney driver licence holders may drive hackney carriages and private hire vehicles may only be driven by private hire driver licence holders.

98. Lapse in Licence.

Any lapse in licence will result in any application being treated as a new application and not a renewal, and full application requirements as detailed in Section 2, Part A, 92, will have to be satisfied.

99. Notes.

The Council has the power to revoke or suspend licences after convictions for various offences, or failure to comply with the relevant provisions of The Town Police Clauses Act 1847, and The Local Government (Miscellaneous Provisions) Act, 1976, Part II, or any other reasonable cause. Any requirements of legislation which affect the operations carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

The Council in determining its powers of immediate suspension or immediate revocation, will consider each case according to its merits and where it is satisfied that in the interests of public safety require such a course of action; an offence is committed of such a serious nature as to warrant such action; a medical condition exists that makes it unsafe to continue working the decision will normally be to suspend or revoke with immediate effect.

Section 2.
Part B.
Hackney Carriage Drivers licence Conditions

Important Note:

Due to the stated case of Wathan v Neath and Port Talbot Borough Council of 2002, in which it was said that there is no power to attach conditions to a hackney carriage driver's licence, one may consider 'conditions' to be desirable and therefore one will need to look at the Acts of 1847 and 1889 and the Council's Bye Laws as a method of imposing controls.

Hackney Carriage Bye Laws made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875.

100. Interpretation.

See Section 1. Part C. Hackney Carriage Bye Laws.

101. For 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.

See Section 1. Part C. Hackney Carriage Bye Laws.

102. For fixing the rates or fares, as well for time as distance, to be paid for such Hackney Carriages within the District, and for the due publication of such fares.

See Section 1. Part C. Hackney Carriage Bye Laws.

103. For securing the safe custody and delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof.

See Section 1. Part C. Hackney Carriage Bye Laws.

104. Permitting or employing any other person to drive.

See Section 1. Part C. Hackney Carriage Bye Laws.

105. Penalties.

See Section 1. Part C. Hackney Carriage Bye Laws.

Section 2.

Part C.

Private Hire Drivers Licence Conditions made under the Local Government (Miscellaneous Provisions) Act 1976.

106. Interpretation.

- 106.1 In these conditions;
 - 106.1.1 “the Council” means Brighton & Hove City Council.
 - 106.1.2 “the Executive Director Environment Development & Housing” means the Executive Director Environment Development & Housing (for the time being) of the Council.
 - 106.1.3 “the driver” means the person to whom the Council has granted the Private Hire Drivers Licence to which these conditions are attached.
 - 106.1.4 “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Licensing & Health Manager for the time being of the Council.
- 106.2 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 106.3 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

107. Conduct.

- 107.1 The driver shall behave in a civil and orderly manner at all times.
- 107.2 The driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 107.3 The driver shall at all times when operating wear the badge provided by the Council in such position as to be plainly visible.

108. Prompt Attendance.

The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.

109. Number of Passengers.

The driver shall not convey in the vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle, (regardless of the age of any passenger carried). Shall not convey in the front seat any child below the age of twelve years or under 135cms unless wearing a suitable restraint and using a child/booster seat and not more than one person in any seat. Without the consent of the hirer permit any other person to be carried whilst hired.

110. Luggage.

The driver of a vehicle so constructed as to carry luggage shall, when requested by a person hiring the vehicle;

110.1 convey a reasonable quantity of luggage.

110.2 afford reasonable assistance in loading and unloading.

110.3 afford reasonable assistance in removing it to or from the entrance gate or door of any building, station or any place at which he may take up or set down such person.

111. Provision securing the safe custody and redelivery of any property accidentally left in Private Hire Vehicles, and fixing the charges to be in respect thereof.

111.1 The proprietor or driver of a private hire vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.

111.2 The proprietor or driver of a private hire vehicle shall, if any property accidentally left therein by a person who may have been conveyed in the carriage be found by or handed in to him;

111.2.1 report the finding or handling to him of the property to a police station as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner.

111.2.2 be entitled to receive from any person to whom the property shall be re- delivered an amount equal to five pence in the pound if 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 five pounds.

112. Appearance.

112.1 The driver shall be clean and tidy in appearance.

112.2 The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public.

112.3. Suitable footwear.

113. Touting and Soliciting.

The driver shall not, whilst driving or in charge of a private hire vehicle;

- 113.1 tout or solicit any person to hire, or be carried for hire in any private hire vehicle.
- 113.2 cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.
- 113.3 ply for hire or appear to be plying for hire and any roof light affixed to the vehicle must be extinguished when hired.

114. Deposit of Licence.

If a driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself, he shall, before commencing to drive that vehicle, deposit his private hire licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle. The operator must return such licence to the driver when he ceases to drive any vehicle operated by that operator.

115. Taximeter.

- 115.1 If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 115.2 The driver of a private hire vehicle shall not tamper with or permit any person to tamper with any taximeter, which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 115.3 Private hire vehicles fitted with a taximeter may not operate unless the meter is in working condition and has been checked by the Council's Authorised Officer.
- 115.4 All private hire vehicles must display a tariff card showing the rates of fares charged by the operator through whom they work and as advertised by the operator.

116. Fare to be Deemed.

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the taximeter. Journeys shall be by the shortest or most direct route unless requested otherwise. Receipts for payments made must be given if requested to show company name, fare paid, and date and be signed by the driver.

117. Change of Address.

The driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place, and in any case within 7 days of such change.

118. Motoring Convictions.

The driver must immediately and in any case within 7 days disclose to the Council in writing, details of any motoring conviction or fixed penalty imposed upon him during the period of his hackney carriage or private hire driver's licence.

119. Criminal Cautions / Convictions.

In all cases the proprietor must within 3 days disclose to the Council the details of any Criminal Convictions, Cautions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court injunctions or Fixed Penalty Notices (personally or business related), Motoring convictions and penalty notices imposed upon him / her or in the case of a driver using their licenced vehicle the details of their driver. This covers the period they hold a licence of any kind.

Note: Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place.

120. Badges.

The driver's badge must be worn in a position where it may be seen at all times. The driver shall upon expiry (without immediate renewal), revocation or suspension of his licence, return to the Council the driver's badges issued to him by the Council. A second badge is issued and must be clearly displayed in the vehicle. The badges shall remain the property of the Council at all times.

121. Operators.

All private hire drivers are responsible for checking that the operator through whom they are working has a current operators licence.

122. Lost Property.

122.1 The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been

accidentally left there.

122.2 If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, unless it be sooner claimed by or on behalf of its owner, shall be taken within 48 hours to the nearest police station and left in the custody of the officer in charge.

123. Animals.

123.1 Whilst plying for hire or whilst hired the driver shall not convey in any private hire vehicle any animals belonging to or in the custody of himself or the proprietor or operator of the vehicle.

123.2 Any animal belonging to or in the custody of any passenger, which in the driver's discretion may be conveyed in a private hire vehicle, shall only be conveyed in the rear seating area of the vehicle.

123.3 No driver of a private hire vehicle may refuse to carry an assistance dog provided it is accompanied by a fare paying passenger, unless the driver can produce a medical certificate signed by a registered medical practitioner to the effect that the driver has an allergy to dogs as produced to the Council and an exemption certificate issued. No charge shall be made for the carriage of any assistance dog as defined in the Equality Act 2010.

124. Illness or Injury.

The driver shall notify the Council in writing as soon as possible and in any event within 14 days, of any illness or injury affecting his fitness to drive.

125. Operator Licence.

The owner of any vehicle, which carries a mobile telephone, pager or otherwise makes provision for the acceptance of bookings, must hold an Operator's licence.

126. Permitting or employing any other person to drive.

Before any proprietor of a private hire vehicle permits or employs any other person to drive the vehicle he shall ensure that the vehicle is adequately insured for that person to drive and produce evidence of that insurance for inspection by any person employed or permitted to drive or by any Authorised Officer on request.

127. Note.

Any requirements of legislation which effects the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this

licence.

128. General Licence Conditions.

All drivers shall operate strictly within the terms of any licence issued, incorporating of all terms and conditions of The Local Government (Miscellaneous Provisions) Act 1976, and other conditions within this handbook but these may not necessarily be exhaustive.

129. Appeals.

- 129.1 You may appeal against all or any of these conditions.
- 129.2 Any appeal must be made within 21 days of the grant of licence.
- 129.3 Appeals must be made to the Magistrates Court - you should contact the Clerk to the Justices, The Law Courts, 'Edward Street Brighton.
- 129.4 Appeals are made by way of section 52 and 77 of the 1976 Act and section 300 of the Public Health Act 1936.

Section 2. (D).

Guidelines relating to the relevance of Cautions and Convictions, Anti Social Behaviour Orders, Criminal Behavioral Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgments and Fixed Penalty Notices when determining applications for Hackney Carriage and Private Hire Licences.

130. The council is empowered in law to check for the existence and content of any criminal record held in respect of an applicant for a hackney carriage or private hire vehicle, driver or operator licence so when submitting an application for such a licence an applicant is required to declare all convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related), they have recorded against them, and any pending proceedings.

Note: Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licensed driver.

In making its decision the council will consider the nature of the information, its own guidelines on the relevance of Cautions, Convictions, Conditional Cautions, Community Resolutions Anti Social Behavior Orders, Criminal Behaviour Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgements and Fixed Penalty Notices (personally or business related), in the licensing process and any other factors which may be relevant. These guidelines will also be taken into account in relation to renewal applications, and decisions to suspend, revoke or not to renew a licence.

130.1 Each case will be decided on its own merits with the overriding objective of protecting the public.

130.2 A person with a conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of any conviction for, at least 3 to 5 years, before any application is entertained. However, persons with convictions for sexual offences of any nature or any offences related to children or other serious crime will not normally be issued with a licence. Persons subject to pending proceedings for such offences will be properly investigated and if appropriate will have any licence suspended pending the outcome of the hearing of the case at court

- 130.3 Some discretion may be appropriate if the serious offence is historic, isolated and there are exceptional mitigating circumstances. However, as stated above, the overriding consideration must be the protection of the public.
- 130.4 Hackney carriage and private hire drivers are classed as 'regulated occupations' by the Rehabilitation of Offenders Act 1974 (exemption order as amended) which means that the Rehabilitation of Offenders Act 1974 does not apply to them (and thus their convictions are never spent). Furthermore, in respect of applications or renewals for Hackney Carriage Proprietor or Private Hire Operators licences, the Council as a judicial authority under the Rehabilitation of Offenders Act 1974 may take into account spent convictions involving serious offences, (i.e. Death by Dangerous Driving, Drug Offences, Offences of Violence, Sexual offences or offences of an habitual nature).
- 130.5 Cautions require an admission of guilt and are never spent. The Council must therefore treat a caution as an admission of guilt and cannot be required to go behind the decision of the police or enforcing body. The age and gravity of the offence for which the caution has been accepted be taken into account as for convictions.
- 130.6 Fixed penalty notices and Community Resolutions are now used in relation to a range of offences and they will be taken into consideration depending upon their number, the nature of the offence and all the circumstances including the applicant's lack of compliance.

Note: Suspension and Revocation

The authority has the power to use its discretion to suspend or revoke or refuse to renew a drivers' licence depending on the seriousness of any established misbehaviour. Since the 2012 case of Singh v Cardiff City Council it has been ruled that an Authority cannot impose an interim suspension so the decision to suspend, revoke or refuse to renew must be a final one made after a considered determination of all the facts in a particular case. This will include the driver having an opportunity to put their case in person to an officer in the spirit of natural justice.

The Council in determining its powers of immediate suspension or immediate revocation, will consider each case according to its merits. Where, after investigation, it is satisfied that the interests of public safety require such a course of action or an offence is committed of such a serious nature as to warrant such action, the decision will normally be to suspend or revoke with immediate effect. For the purpose of these guidelines, cautions will be treated as convictions.

131. Minor Road Traffic Offences.

Isolated convictions or fixed penalty notices for minor traffic offences should not prevent a person from proceeding with an application. Any new applicant must have held a full drivers licence as issued by DVLA for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of licence of such an offence may be warned as to future conduct, and that any disqualification from holding a full DVLA licence will lead to revocation of any hackney carriage or private hire licence held with the Council.

132. Major Road Traffic Offences.

Where there is an isolated historic conviction for reckless driving, dangerous driving or driving without due care and attention and similar offences, these will merit for new applicants at least a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers. However, for applicants with more serious offences such as convictions for causing death by dangerous/careless driving a licence will not normally be granted. Existing drivers can expect their licence to be revoked and no further application will normally be considered until a period of at least three years free from convictions has elapsed.

133. Drunkenness.

133.1 With a motor vehicle.

A serious view will be taken of cautions / convictions for driving or being in charge of a vehicle whilst under the influence of drink or failing to provide an evidential specimen. An isolated and historic incident will not necessarily debar an applicant provided they have been at least three years free of cautions / convictions after the restoration of their full DVLA licence but strict warnings will be given as to future behaviour. More than one caution / conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire drivers' licence. At least one year should elapse (after the restoration of the full DVLA driving licence), before an applicant is considered for a hackney carriage or private hire driver's licence. If the applicant is found to be alcohol dependent a minimum period of five years should elapse after treatment is completed before a licence application is considered.

133.2 A driver found guilty of driving passengers for hire and reward whilst under the influence of alcohol will normally have his hackney carriage or private hire drivers licence revoked immediately and be banned from holding a hackney carriage or private hire drivers

licence with the Council for a minimum period of three years after the restoration of their full DVLA licence

133.3 Drunk but not in a motor vehicle.

An isolated caution / conviction for drunkenness need not debar an applicant from obtaining a licence, however, a number of cautions / convictions for drunkenness could indicate alcohol dependency necessitating a medical examination, (see 133.1above).

134. Insurance Offences.

134.1 With a motor vehicle.

A serious view will be taken of any caution / convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided he has been three years free of any caution / conviction, but strict warning will be given as to future behaviour. More than one caution / conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire licence.

134.2 A driver found guilty of driving passengers for hire and reward whilst without insurance will normally have his hackney carriage or private hire driver's licence revoked immediately and be banned from holding a hackney carriage or private hire driver's licence with the Council for a minimum of five years.

134.3 Any applicant with three insurance offences or more will not normally be considered fit and proper to hold a hackney carriage or private hire licence with the Council.

135. Drugs.

An applicant or existing driver with a caution / conviction for a drug related offence should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained or a minimum of three years after detoxification treatment if applicant was drug dependent. Where there is evidence of prohibited drug use the applicant or existing driver will be expected to produce medical evidence to confirm to the Council's satisfaction that they are free of illegal substances. The Council reserves the option to seek its own expert medical evidence where necessary.

136. Violence.

As hackney carriage and private hire drivers maintain close contact with the public, a grave view will be taken with applicants who have cautions / convictions for grievous bodily harm, wounding, assault causing ABH, assault PC or common assault. A minimum of three years free of cautions / convictions should be shown before an application is entertained and even then a strict warning will be administered. An existing licence holder could expect his licence to be

suspended or revoked if convicted of these offences. The same applies where evidence of violent behaviour has been adduced before the civil courts.

137. Criminal Damage.

As this offence covers a wide range of behaviours each case will be judged on its own merits. A serious view will be taken if the offence involves deliberate fire setting, the offence was committed in a group, the damage caused was of high value or the offence had a clear racial/ religious or homophobic motivation. An applicant with this type of more serious conviction/caution should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained. Existing drivers convicted or cautioned for these types of serious criminal damage offences could normally expect to have their licence revoked.

138. Dishonesty.

Licence holders are expected to be person of trust. The widespread practice of deliveries for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change, or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons a serious view will be taken of any cautions / convictions involving dishonesty. In general, a period of at least three years free of any cautions / convictions will be required before entertaining an application for a hackney carriage or private hire drivers licence by the Council. Any existing driver convicted of offences involving dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a hackney carriage or private hire driver's licence for three year period at minimum after conviction. The same applies where evidence of dishonest behaviour is adduced before the civil courts.

139. Sexual Offences.

As hackney carriage and private hire drivers often carry vulnerable, unaccompanied passengers, applicants with convictions for indecent exposure, voyeurism or any of the more serious sexual offences, or offences related to indecent images of children should be refused until a substantial period at least five years after conviction or caution has elapsed. More than one conviction of this kind will normally preclude consideration for a hackney carriage, driver, proprietor or operator. In any case, if the applicant was required to register on the Sex Offenders Register as a result of an offence of a sexual nature, then no application will normally be considered whilst the applicant is still on the register. An existing licence holder could expect their licence to be revoked if convicted or cautioned for these types of offence. The same applies where evidence of sexual offending is adduced before the civil courts

140. Discrimination Offences.

An applicant with a caution / conviction or legal findings against them in the civil courts for a discrimination related offence should be required to show a period of at least three years free of any caution / convictions before any application is entertained.

141. Breaches of Licensing Conditions, other Local Authority Offences and Fire Authority Offences

Isolated convictions / cautions for breach of licensing conditions or other local authority offences should not prevent a person from proceeding with an application but these offences may be considered when determining if an applicant should be granted a licence. Licence holders committing offences during the period of licence may be warned as to future conduct and may lead to revocation of any hackney carriage or private hire licence held with the Council.

142. Anti Social Behaviour Orders (ASBO'S)

An ASBO or equivalent e.g. Criminal Behaviour Orders / Injunctions to prevent nuisance and annoyance) during their current term or within three years of their final date should not prevent any person from proceeding with an application, but it will be considered, taking into account all the circumstances, and severity of the behaviour, when determining if an applicant should be granted a licence.

143. County/High Court Injunctions.

Any Court injunction and / or order relating to anti-social behaviour especially those for harassment or violence (including domestic violence) within the last three years should not prevent any applicant from proceeding with an application, but will be considered when determining if an applicant should be granted a licence, taking into consideration the nature and severity of the behaviour and all relevant circumstances.

144. Scanners.

Anyone convicted of the use of a radio scanner will normally be banned from holding any licence for a minimum of a five-year period.

145. Notes.

Any information disclosed to the Council will be kept in strict confidence and will only be taken into account in relation to the application and will be retained no longer than necessary. 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, punishable by up to seven years

imprisonment upon conviction.

Section 3.

Part A.

Procedure for Licensing a Private Hire Operator.

146. General.

Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operators licence, (with the exception of those who only operate vehicles covered by section 75 of the Act of 1976). This means that any individual (group or company) which advertises the services of any private hire vehicle with the services of a driver for hire and reward, or has a mobile telephone or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward and will be required to hold a private hire operators licence.

Brighton and Hove City Council are subject to duties under the Equalities Act 2010 which includes the duties to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

In relation to the Hackney and Private Hire as the licensing authority we are wishing to ensure that the needs and requirements of those with a disability are being acknowledged and met.

Primary issues for the Council to take note of are:

- Mobility – this is being addressed by the introduction of wheelchair accessible cabs. It is noted that certain service users who may have mobility issues still prefer old style saloon cars. The trade should be able to respond as appropriate where a particular type is requested/
- Visual impairment - drivers to be aware that greater assistance will be required. As per the detail already included in this document.
- Hearing impaired – note should be taken that those with hearing difficulties should wherever possible be provided with a text service.
- Awareness of those with mental health issues.
- Awareness of those with learning disabilities.
- Training for drivers on disability awareness for instance not assuming that because someone is slurring speech that they are drunk as opposed to having neurological disorder.

It is desirable that the operators can on request provide monitoring information. What is required are figures on the numbers of journeys undertaken by those with an obvious disability or where one has been declared – personal information is not required. In addition where there has been an issue around a disability the

details of that issue and what if any steps were taken to address that and prevent its reoccurrence.

This information will be required to be provided annually when the application for renewal is made.

147. The Operator.

- 147.1 The application form must be complete and returned to the Taxi Licensing Office.
- 147.2 Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operators licence.
- 147.3 The applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial if required) if such radios are used by the operator.
- 147.4 In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following;
 - 147.4.1 clean, adequately heated, ventilated and lit, both for bookings and waiting,
 - 147.4.2 if required waiting area has adequate seating facilities.
- 147.5 The operator premises to be licensed must be situated within the district of Brighton & Hove.
- 147.6 The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.
- 147.7 No licence will be issued until all licence requirements are met to the satisfaction of the authorised officer and the appropriate fee has been paid.
- 147.8 All operators premises to which the public have access must be covered by public liability insurance to cover all risks.
- 147.9 Planning permission for operating purposes maybe required and it is the operator's responsibility to ensure any permission required is granted and produced to an authorised officer at the time of application.
- 147.10 All operators will be required to have a document setting out their policies and procedures in relation to those with a disability. They will also be required to undertake monitoring of use of their service by those with a disability and provide a summary of monitoring in a format as required by the Executive Director Environment Development & Housing
- 147.11 All operators will be required to have a document summarising all complaints received during the previous year with any renewal application whether upheld or not in a format as required by the Executive Director Environment Development & Housing.

148. Notes.

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Case law has shown that anyone making provision for the acceptance of bookings for private hire must be licensed in the District where such provision is made (this includes such things as mobile telephones, pagers and redirected calls by any electronic means) and such bookings must be fulfilled by drivers and vehicles licensed in the same district as which the operator holds his licence. So if an operator accepts a call on a mobile telephone in a district other than the one in which he is licensed he will commit an offence of operating in an un-licensed manner.

Section 3.

Part B.

Private Hire Vehicle Operators Licence conditions made under the Local Government (Miscellaneous Provisions) Act 1976.

149. Interpretation.

149.1 In these conditions;

149.1.1 “the Council” means ‘Brighton & Hove City Council.’

149.1.2 “the operator” means the person to whom the Council has granted the Private Hire Operator’s Licence to which these conditions apply. In the case of a partnership to each of the partners and in the case of a company to each of the company directors.

149.2 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

149.3 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

150. The records to be kept by the Operator.

150.1 The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder, computer system or other means approved by the Authorised Officer, and produced for his examination on demand.

150.2 The operator shall enter in the recording system (book folder or other means) before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him;

149.2.1 the time and date of the booking.

149.2.2 the name where possible and pick up point of the hirer.

149.2.3 the time and date of pick up and call sign of the vehicle used.

149.2.4 how the booking was made (e.g. by telephone, personal call).

150.3 The operator shall keep records of all private hire vehicles operated by him, which will include details of the owner, registration numbers and drivers of such vehicles, together with any radio call sign used.

150.4 The operator shall keep all records for a period of not less than six months following the date of last entry.

151. The standard of service.

The operator shall provide a prompt, efficient and reliable service to members of

the public at all reasonable times, and for this purpose shall in particular;

151.1 ensure that when a private hire vehicle has been booked that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.

151.2 keep clean, adequately heated, ventilated and lit premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

151.3 ensure that any waiting area provided has adequate seating facilities.

151.4 keep a summary of all complaints received regarding service provided or about drivers

151.5 Must provide an equal service for differently abled passengers

152. Provisions regulating signs on vehicles.

The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words “taxi” or “cab”, whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word. Only licensed vehicles may carry any advertisement in relation to any Private Hire Operator, which must be approved by an Authorised Officer.

153. Provisions regulating the conduct of the operator.

153.1 The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness / condition of a vehicle.

153.2 The operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.

153.3 No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.

153.4 The operator shall within seven days disclose to the Council in writing details of any convictions (motoring or otherwise) imposed upon him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

154. Emergency call sign.

All operators using a radio network must have in place an emergency call sign. When this call sign is used the operator and / or other cars will render all assistance possible to the caller. The use of the call sign in a frivolous manner could result in suspension of licence. On hearing the call sign all other vehicles will maintain radio silence until advised that the situation is resolved. The call sign should only be used when a person is at risk, (e.g. need for police, fire or

ambulance assistance). The call should be changed at regular intervals to avoid misuse. All drivers must be aware of the call sign currently in use by the operator. Each operator is responsible to ensure compliance. Whilst this will complement the "Police Link" it is not voluntary but a condition of the operators licence in the interests of the safety of drivers and passengers.

155. Operator office location.

The office must be located within Brighton & Hove City to enable any Authorized Officer access to the premises or any records as required by statutes or conditions. If unable to fulfill a booking they may only pass these to another operator within the same licensing district.

156. Deposit of driver and vehicle licences.

Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that a copy of the drivers licence is deposited with them during the period that the driver is employed or permitted to drive, the licence must be returned to the driver at the end of that period. Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of the period.

157. Appeals.

- 157.1 The applicant / licence holder may appeal against all or any of these conditions.
- 157.2 Any appeals must be made within 21 days of the grant of the licence.
- 157.3 Appeals must be made to the Magistrates Court – contact: the Clerk to the Justices, The Law Courts, Edward Street Brighton

158. Private Hire Operator Association.

- 158.1 Operators may form an association and must give a copy of the constitution of that Association to the Licensing Officer.
- 158.2 The Association must keep the Authorised Officer informed in writing of the offices and members of the Association.
- 158.3 Only vehicles being operated through members of the Association may display signs as approved by an Authorised Officer.

159. Confidentiality.

Due the nature of enforcement work undertaken by authorised officers, operators are expected not to disclose/broadcast to drivers or proprietors the whereabouts

of authorised officers or any other enforcement agencies as this may jeopardise any enforcement actions being undertaken at the time. Failure to comply with this requirement may result in suspension of licence.

160. Police Safety Schemes

All operators and drivers should assist in any schemes that assist the police. The main purposes are:

159.1 To alert radio controlled vehicles as to missing or suspicious persons or vehicles etc.

159.2 To alert Sussex Police of any criminal activities observed.

159.3 To create a safer environment for all hackney carriage and private hire drivers.

Drivers should report through the operator to the police and the police will use the scheme to advise drivers of incidents or help required.

Section 4.
Procedure for fares increases.

161.

- 161.1 Applications for hackney carriage fare increases will be made through the Taxi Forum in accordance with the agreed formula approved by the Council.
- 161.2 If the general consensus of the trade is in agreement with a fare increase, representatives of the trade will be called to a meeting to discuss any proposals with officers of the Council and Chairman of the Licensing Committee who will then present any proposal agreed by that meeting to the next available meeting of the Licensing Committee for their consideration.
- 161.3 No increase in fares can come into operation until the proposals have been advertised as required and objections have been considered by the Licensing Committee
- 161.4 Any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force.
- 161.5 No proprietor may charge any increase until the due date and the taximeter has been re-calibrated to the new fare rate.
- 161.6 All taximeters must be checked and sealed by the authorized officer prior to being used for hire and reward in any vehicle
- 161.7 The Council may not set fares for private hire as these are set and advertised at the discretion of individual private hire vehicle operators in accordance with the provisions of the Act of 1976.

162. Fees for licences.

All fees for licences and plates deposits are made by the Council with an annual review each year to come into effect for any licence issued and valid from 1st April following or sooner if necessary to prevent loss of income. This applies to both hackney carriages and private hire. There are procedures for objections to certain fees and details will be included when the Council advertises such increases. The Act does not allow this function to be profit making.

Section 5.
Hackney Carriage Ranks.

163. Ranks.

See the latest list as approved by the Council.

Section 6.
Horsedrawn Vehicles.

The council has a policy of not issuing licences to Horse Drawn Vehicles.

Section 7.
Part A.
Advice to Operators.

Within the Conditions of your licence you are responsible for many items in relation to your business, the drivers working through your circuit and the vehicles used. You may be required to display or produce various items to various Officers, visiting your premises, on demand.

These include;

D.T.I. Radio licence.	Fire Extinguishers.
Public Liability Insurance.	First Aid Kit.
Health and Safety Policy.	Operators Licence.
Health and Safety Notices.	Adequate Lighting.
Shops and Factories Offices Notice.	Booking Records.
Fire Evacuation Notice.	Planning Permission.
Advice on Lifting Notice.	Vehicle Licences.
Company Register Certificate.	Copy of Vehicle Licences.
List of Vehicles with details.	List of Drivers with details.
Diary of Advanced Bookings.	Accident Book.

The Records of Bookings MUST show;

Date and Time made.	
Name and Address where possible of hirer.	
Destination where possible	Personal or Telephone booking.
Time of Pick-Up.	Point of Pick-Up.
Time Allocated to Driver.	Allocated to which Vehicle.

The Records of Vehicles MUST show;

Registration of Vehicle.	Council Plate Number.
Name and Address of Owner.	Any Radio Call Sign.
Number Licensed to Carry.	Name and Address of ALL Drivers.

Date Commenced Using Vehicle. Date Ceased Using Vehicle.

The Standards required of an Operator include;

Punctual Attendance for Bookings.	Clean Premises with Public Access.
Premises Heated to standard.	Premises Ventilated to standard.
Premises well lit.	Seating if Public Access.
Radio Equipment in Working Order	Correct Radio Procedures used
Check P.H. Driver Licence Valid.	Ensure Vehicle Licenses are Valid.
Check Vehicles Clean and Safe.	Ensure Insurance is Valid.
Check Road Fund Licence Valid.	Check Vehicle for Damage.
Report Any Driver Offences	Ensure Plates Displayed Correctly.
Report any Accidents.	Report any Lost Property.
Assist with Police Link calls.	Maintain Driver Standards.
Keep all Records for 6 months.	
Give Fixed Price Quote if Requested.	
Telephone in Working Order.	Report any changes of Director.
Report any changes of Address.	
Ensure Only Licensed Drivers are used to drive licensed Vehicles.	
Only use the services of drivers and vehicles licensed by Brighton & Hove City Council.	

Part B.
Advice to Drivers.

Within the Conditions of the grant of your licence you are responsible for various items, some of which may be checked by various Officers on demand.

These include;

- Only a Licensed driver may drive a licensed vehicle at any time.
- Do not use anyone to tout for you.
- Do not tout for hire.
- Check operator is licensed.
- Never stop for flag down (Private hire vehicle only).
- Keep vehicle clean inside and out.
- Ensure vehicle complies with law.
- Control language on radio.
- Ensure vehicle is insured.
- Check road fund licence valid.
- Check road' tax ' is clearly displayed.
- Report any convictions.
- Report any change of address.
- Always check destination.
- Report any found property.
- Use your radio call sign properly.
- Assist with any request from Sussex Police .

Attend at Licensing Office if called.
Keep Records of Bookings.
Ensure vehicle signs correct.
Keep copy of valid insurance
Undertake Medical if required.
Produce any Licence if required.
Only drive licensed vehicles.
Wear I.D. badge at all times.
Display I.D. badge in vehicle.
Ensure children wear seat belts and advise adults.
Comply with Criminal Record Bureau requirements.
Never exceed number of passengers on Plate regardless of age.
Check car after every journey for lost property.
Do not accept immediate hiring for private hire.
Report any change of Medical Fitness and attend for a medical if required.
Give reasonable assistance with luggage.
Produce any documents required by operator for checking.
Driver, Vehicle and Operator MUST all be licensed in 'Brighton & Hove.

Remember;

Passengers hire the vehicle with the services of the driver and he should;

- a) Not use the horn to make passengers aware of his arrival.
- b) Not cause distress, by loud radio use, to passengers or others.

Important.

The courts have clearly stated that a driver must only drive for an operator licensed with that same district as their vehicle and driver licence, so all three licences, (driver, vehicle and operator) must be issued by the same council. Failure to comply with certain items above can lead to arrest and a fine of up to £2,500. This list is for advice only and is not exhaustive.

Duties to assist passengers in wheelchairs.

Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. The duties which had been contained in the Disability Discrimination Act 1995 had never been brought into force so when the duties are actually brought into force – at a later date - it will constitute a substantive change in the law.

The duties - Section 165 places duties on drivers of designated wheelchair accessible taxis and private hire vehicles. Designated vehicles are those listed by the licensing authority under section 167 (see Designated Vehicles (above)).

The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

NB Mobility assistance is assistance -

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Exemptions from the duties - Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

Advice to drivers when carrying disabled passengers.

Brighton and Hove City Council are subject to duties under the Equalities Act 2010 which includes the duties to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

In relation to the Hackney and Private Hire as the licensing authority we are wishing to ensure that the needs and requirements of those with a disability are being acknowledged and met.

Primary issues for the Council to take note of are:

- Mobility – this is being addressed by the introduction of wheelchair accessible cabs. It is noted that certain service users who may have mobility issues still prefer old style saloon cars. The trade should be able to respond as appropriate where a particular type is requested.
- Visual impairment - drivers to be aware that greater assistance will be required. As per the detail already included in this document.
- Hearing impaired – note should be taken that those with hearing difficulties should wherever possible be provided with a text service.
- Awareness of those with mental health issues.
- Awareness of those with learning disabilities.

- Training for drivers on disability awareness for instance not assuming that because someone is slurring speech that they are drunk as opposed to having neurological disorder.

Taxis are an important, and sometimes the only means of transportation for many disabled people

It is important to remember that disabilities are not always visible. It may not be immediately obvious to you that the person has a disability or special requirements. Physical access for people who use wheelchairs is obviously important but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by disabled people is very important.

Vehicles, streets, the built environment and your operating practices, can all provide obstacles for disabled people. Never make assumptions, always ask what help (if any) a passenger may need from you. You must ensure that you are familiar with any access and safety equipment in your vehicle which will be inspected periodically. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

The following is some basic advice to assist you in giving the best service to your passenger.

Wheelchair Users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Make sure that the brakes of the wheelchair are on during the journey.
- Secure the wheelchair with clamps or straps and suggest that the passenger uses the seat belt provided. You may also need to assist them with the seat belt.
- Avoid sudden braking or acceleration. Be careful when going over speed humps etc.
- Ensure that they travel forwards or backwards and never travel sideways in the vehicle.

Consider asking the passenger to move to a safer or more accessible pick-up/drop-off point nearby.

These are important safety rules that apply to all wheelchair users whether manual or powered wheelchairs and you will need to carryout your own risk

assessment to decide if it is safe to load and unload the passenger safely and whether you can do it on your own or need assistance from another driver. If you do need assistance the passenger will need to pay for both vehicles.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled people

Whilst some disabled people may use crutches or sticks, many who have mobility difficulties, will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, (as in purpose built London type hackney carriage vehicles) make sure it is locked back in position once inside the vehicle.

Blind or partially sighted Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping you just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.

- If possible, place a visually impaired person's hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.
- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs and other assistance dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry an assistance dog without a medical exception is an offence under the Equality Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

People with learning disabilities

In Brighton & Hove there is a scheme called Thumbs Up which includes ten tips for good customer service to people with learning disabilities.

This is what you should be doing:

- Listen to what the person is saying
- Give the person extra time
- Use plain English that avoids jargon
- Use pictures as well as writing
- If the person has a carer, talk to the person rather than the carer
- If the person asks for help, show them as well as tell them
- Not ignore bullying – Do your best to help if you think someone is being bullied
- Offer good customer services – If you notice someone may need extra help, offer it. For example with shopping bags and making sure the person

- is safely inside their destination will always be appreciated. People with learning disabilities may also require assistance understanding money
- Offer help with access if we think someone needs it
 - Do your best to make your service accessible to people

Maintenance of Vehicles

Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

Part C. **Advice to vehicle owners.**

Your licence is issued subject to the vehicle being mechanically fit and meeting the requirements of licence conditions. Your vehicle could be required to undertake inspections by various Officers and failure to meet the standards required may result in the suspension of the licence and possible revocation.

We would advise that attention be given to the following;

Vehicle Insurance is valid.

Road Fund Licence is valid.

Certificate of Compliance is valid

Driver holds valid DVLA. licence.

Driver holds Brighton & Hove driver licence.

Check vehicle complies with law.

Boot kept clear for luggage.

Vehicle clean inside and out.

All accidents are reported.

Any change of Address reported.

Any change of vehicle reported

Carry a Fire Extinguisher.

Meter must be sealed if fitted.

Roof sign must be fitted (HC)

Display tariff inside vehicle.

Meter must be fitted (HC).

Display vehicle plate number inside.

Carry copy of insurance in vehicle.

Maintain to "Exceptional Condition"

Ensure attend for Interim Inspection.

Display plate on exterior of vehicle.

Roof sign correctly positioned (PH).

Demonstrate that drivers are adequately trained in the embarking, disembarking and safe carriage of passengers in wheelchairs.

Do not let anyone drive who does not hold the correct type of licence for the type of vehicle, at any time (i.e. they must hold a private hire or hackney carriage driver licence issued by Brighton & Hove City Council, depending on the class of

vehicle).

This list is for advice only and is not exhaustive. Failure to comply with certain items above could lead to arrest and a fine of up to £2,500.

Types of Vehicle

All vehicles licensed by the council must be of appropriate size and comfort for their use as decided by the Executive Director Environment Development & Housing. There are several factors taken into account when approving a particular vehicle such as the width of the rear seat (is there adequate room for three persons and can they fasten the seat belts easily). The amount of headroom and legroom available, this can vary from model to model. Is there adequate room in the boot for luggage or a folding wheelchair. In the case of wheelchair accessible vehicles can they easily accommodate at least one wheelchair user seated in the wheelchair and at least one carer. The ease of access and egress to the vehicle or seating is also taken into account. The number of passengers is determined by the amount of luggage space, if the vehicle has seats that move forward it maybe allowed more seats than a vehicle that has fixed seating.

The above is not an exhausted list of factors that are taken into account when deciding if a vehicle is suitable to be licensed and manufacturers change specifications on a regular basis so if you are unsure if a vehicle is suitable always take advice from officers at the hackney carriage office before purchasing a vehicle.

To assist you may like to know that the following vehicles are already licensed by the council.

Saloon Cars

Audi -	A4, A6
BMW -	520
Chrysler –	GD Voyager, Sebring
Citroen –	Berlingo, C5, C8, Synergie, Xantia, Xsara, Picasso
Ford -	Mondeo, Galaxy
Hyundai -	Sonata
Kia –	Carens, Ceed, Magentis
Mazda -	6,
Mercedes -	E-Class,
Mitsubishi –	Lancer, Space Star
Peugeot –	307 Estate, 3008, 406, 407, 508, 607, 806, 807, Partner
Renault –	Megane, Scenic
Saab –	93, Vector
Skoda –	Octavia, Superb
Toyota –	Avensis, Carina
Vauxhall -	Vectra, Zafira

Volkswagen –Passat
Volvo – S80

Wheelchair Accessible Vehicles

LTI - TX2, TX4
Citroen – Dispatch, EuroTaxi, Berlingo,
Fiat - Euro 7, Scudo, TW200,
Ford – Tourneo, Transit
Mercedes – Vito, M8
Nissan – Primastar,
Peugeot - E7, Eurotaxi, Partner, Premier
Renault - Traffic
Vauxhall – Vivaro
Volkswagen - Transporter

Ergonomic Requirements for Wheelchair Accessible Vehicles

Please see the Accessibility Policy For Hackney Carriages.

Although the policy is for Hackney Carriages, Private Hire Vehicles are expected to meet the standards laid out in the policy.

Part D. **General Advice.**

**Operators must be licensed in the same district as the district in which they have the office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.

**Once licensed the vehicle becomes a Hackney Carriage or Private Hire and can only be driven by a person who holds a licence to drive that type of vehicle i.e. A Hackney carriage is always a Hackney Carriage and can only be driven by a Hackney Carriage Driver Licence holder (Yates v Gates, 1970, and Thain v Darlington, 1995,) and Private Hire has similar cases in respect of drivers and vehicles (Mahmood v Leeds, 1995 and Benson v Boyce, (Copeland), 1997), the law has not changed since those decisions were handed down.

**If the vehicle does not comply with the requirements of the law or the licence conditions in any respect it may not be used until it complies in all respects.

**Touting or plying by Private Hire are serious offences which could not only see the offender being arrested but also liable to a fine of up to £2,500, (plus the revocation of any licenses held). The touting legislation also applies to hackneys.

**Any gathering of more than 2 private hire vehicles could be seen as 'forming a rank' and lead to prosecution for plying for hire.

** Anyone convicted of any criminal offence, (this could include many offences against the taxi and private hire requirements) can be disqualified from holding a

DVLA driving licence and this is particularly so if a vehicle was used in the crime.
**No unlicensed driver or vehicle may be used at anytime for the fulfilling of any booking which falls within the licensing requirements of the 1847 or 1976 Acts.

Authorised Officers.

It is an offence to obstruct or not give assistance or information to any such Officer or Police Constable in relation to the performance of his duties for the purpose of the licensing of Private Hire or Hackney Carriages.

Rickshaws or other vehicles.

Any person wishing to license any vehicle, which does not have four wheels, is not propelled by mechanical means, or does not comply with the conditions as relating to Hackney Carriages or Private Hire Vehicles is advised to seek the assistance of an authorised Officer.

First Aid.

Your attention is drawn to your liability if rendering first aid. The kit if carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self-administration by the customer in the interest of customer care.

Joint Responsibility.

Drivers, vehicle proprietors and operators will be held responsible to ensure that each is licensed and any information passed to the authorised officer of non compliance will be treated in strictest confidence.

CCTV Monitoring in Brighton and Hove Hackney Carriage and Private Hire Vehicles.

All Hackney Carriage & Private Hire vehicles must have CCTV operational at all times when working and/or carrying passengers for hire and reward but can be operational at other times. The system must be of a sufficient standard to clearly record all persons in the vehicle with the objective of preventing disorder or crime, enhancing public safety, the protecting health & morals, and the protecting the rights & freedoms of others and to confirm or rebut complaints made against the driver or as evidence in motor insurance matters.

The installation and operation of in-vehicle CCTV shall comply with the requirements of the Home Office Surveillance Camera Code of Practice which is available via -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf

and with the Information Commissioner's CCTV Code of Practice, which is available via –

http://ico.org.uk/Global/~media/documents/library/Data_Protection/Detailed_specialist_guides/ICO_CCTVFINAL_2301.ashx

There is no minimum retention time in the above guidelines but in order to assist investigations the system must have sufficient storage capacity for at least 28 days of good quality pictures. This is necessary due to the delay in complainants contacting law enforcement agencies and delays in contacting data controllers. (The requirement for systems to have a 28 day retention period to come into force from 1st April 2015 at initial licensing or renewal).

Recordings must be available within 24hrs following a request by any law enforcing agency at no charge to that agency. However, a charge may be made for a subject request.

The CCTV system may incorporate a cut out system. However it should not be used when there are passengers being carried for hire and reward in the vehicle. An explanation of why a cut out system was deployed will be required if an incident is reported which requires investigation. Significant negative weight will be given if no proper explanation as to the use of a cut out system is received. Audio recordings are acceptable provided they comply with the Home Office – Surveillance Camera Code of Practice and the Information Commissioners Code of practice.

Advertising in Brighton & Hove Hackney Carriage and Private Hire Vehicles.

No advertisement is permitted on or in a taxi unless it meets the following requirements.

1. Advertising on the interior of the taxi is permitted within the passenger compartment on the base of occasional (tip-up) seats of wheelchair accessible vehicles, headrest cover or by DVD/Video player contained in the headrest in saloon cars provided any unit or cover fitted fitted complies with Road Vehicles (Construction and Use) Regulations 1986 and does not interfere with any existing airbags or effect passenger safety.
2. Occasional seat advertisements must be encapsulated in clear non-flammable plastic and should be of a quality not easily defaced, soiled or detached.
3. The advertising agency name should be carried on the advertisement.

4. Advertising may be displayed on the exterior rear wing of hackney carriage and private hire vehicles (as decided by the Executive Director Environment Development & Housing) provided that the vehicle is not exempt from displaying the Council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles. The advertisement must be applied directly to the wings of the vehicle. Removable, temporary methods of display such as magnetic or similar applications are not acceptable.
5. The advertisement(s) in each vehicle should not advertise more than one company, product, service, or location although a sponsor's details are permissible.
6. Advertisements will not be approved if, in the Executive Director Environment Development & Housing reasonable opinion, the advertisement falls within any of the following categories:

The advertisement ...

- does not comply with the law or incites someone to break the law.
- does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.
- is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement or by way of inference.
- depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.
- depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours
- depicts direct or immediate violence to anyone shown in the advertisement.
- condones or provokes anti-social behaviour.
- relates to films which have not been granted permission for public exhibition or which do not show the British Board of Film Classification certificate.
- contains images or messages which relate to matters of public controversy and sensitivity.
- relates to a political party or parties or a political cause.

Proprietors and drivers do not need to seek prior approval to display advertisements that comply with the above.

In cases of doubt, they should consult the Authorised Officer in the first instance, *prior to displaying the relevant advertisement.*

However, if the Authorised Officer or Executive Director Environment Development & Housing considers an advertisement may not comply with these guidelines they may request a copy of the advertisement in either hard copy or electronic form, along with other reasonable information including details of the relevant advertising agency that prepared the advertisement.

If the Executive Director Environment Development & Housing considers that the advertisement does not comply with these guidelines, s/he may propose or invite reasonable variations to the advertisement or require the advertisement to be removed. In the latter case the Executive Director Environment Development & Housing will provide written reasons for the decision.

The process for the determination of appeals against the refusal to allow the “renewal” of an expired licence.

1. Under the terms of the Council’s Constitution the Head of Regulatory Services has full Delegated Powers to determine the allocation of licences relating to the Hackney Carriage and Private Hire Licensing regime. These powers are in turn delegated to appropriate officers to exercise on a day-to-day basis.
2. The provision for the issue of Hackney Carriage Licences is made under the Town Police Clauses Act 1847 and Private Hire under the Local Government (Miscellaneous Provisions) Act 1976. A decision to refuse, suspend or revoke a Hackney Carriage or Private Hire Licence is subject to appeal to the Courts.
3. Council policy allows a licence holder to “renew” a Hackney Carriage or Private Hire Driver, Vehicle or Operator Licence, provided that such application is made prior to expiry of the licence as an expired licence cannot legally be “renewed”. As a consequence any request to “renew” an expired licence will normally be refused. There is no route of appeal to the Courts in relation to such a refusal. In light of this, a route of appeal against a refusal to “renew” an expired licence will be provided through the Corporate Complaint process and whenever a request to “renew” an expired licence is refused, the person making the request will be advised of this process.
4. In recognition of the restriction on Licences issued by Brighton & Hove City Council and the consequent impact on a person’s livelihood as a result of the expiry/loss of such a licence, together with the need to ensure that regulation is carried out consistently, proportionately and transparently any such complaints will be dealt with as Stage 1 Corporate Complaints and determined by the Licensing & Health Manager.

5. A Complaint/Appeal against a refusal to allow the “renewal” of an expired licence should normally be submitted by the complainant/appellant, to the Standards and Complaints Team. You should write to them stating why you are not happy with the refusal to renew and why your licence should be renewed. The address to write to is Brighton and Hove City Council Standards and Complaints Team FREEPOST SEA2560 BRIGHTON BN1 1ZW or by email to complaints@brighton-hove.gov.uk within 14 days of the date of that refusal. The Licensing & Health Manager will then, consistent with the Corporate Complaint procedure consider and determine the Complaint/Appeal within 14 days of its submission. Where consideration/determination requires a longer period the appellant will be advised of this together with the date by which they should expect the Complaint/Appeal to be determined.
6. The basis for determining any such complaints/appeals shall include consideration of the following criteria:
 - Evidence that the party concerned had a reasonable claim on the licence in question prior to its expiry;
 - Evidence that the party concerned made reasonable attempts to renew the licence prior to its expiry;
 - Evidence of exceptional circumstances that prevented renewal of the previous licence prior to its expiry;

The above list is not exclusive, additional relevant criteria may also be taken into account.

7. Having considered and determined a Complaint/Appeal against a decision to refuse the “renewal” of an expired licence, the Licensing & Health Manager will provide a written response to the complainant/appellant detailing the outcome of that consideration, including the basis for determination. Any subsequent Complaint/Appeal against the decision of the Licensing & Health Manager will be dealt with as a Stage 2 Corporate Complaint.

Date	Uniform Reference	Data Controller	Request Successful (Y/N)	Reason for failure	Requested by	Notes
22.11.2012	2012/14009/TDA/EH		N	Footage requested on a Thursday. Technician unable to download was at at conference. Told to come back on Monday and driver had worked over the weekend resulting in footage being over-written.		
30.11.2012	2012/13959/TDN/EH		N	No footage recorded. Device is ignition activated and DC assume ignition was off as they could pull footage either side of requested time.		
17.12.2012	2012/15177/TDN/EH		N	Records 64 hours.		
03.01.2013	2012/15240/TDI/EH		N	Complaint made 17 December. Officer annual leave meant CCTV not requested until 03 January. DC (also driver concerned) stated that his device only records for 2 hours and then over-writes itself so he could not have retrieved it in any case.		
09.01.2013	2013/00264/TDY/EH		Y	Incident happened 05 January. Request 9th January. Driver did not respond to requests to take his vehicle for retrieval until 04.02 at which time retrieval was still successful.		
31.01.2013	2013/01000/TDFL/EH		N	Incident happened 17 January. Complaint made 18.01. Data had been overwritten in the 12 days between.		
13.02.2013	2013/01692/TDN/EH		N	No footage available. Overwritten. Incident reported 04.02.2013. Officer annual leave.		
15.02.2013	2013/02222/TDN/EH		N	Device not on (was not compulsory at the time)		

22.02.2013	2013/02543/TDN/EH		N	Failure of device. DC controller confirmed that device had been faulty and never worked since installation. Vehicle was suspended for four days as a result until DC could install new device.		
25.02.2013	2013/02637/TDN/EH		N	Device switched off		
06.03.2013	2013/03058/TDYJ/EH		N	Hardware Error		
07.03.2013	2013/02273/TDN/EH		N	DC advised all devices have 31 days storage. Request made within this period but footage unavailable due to hardware failure. Unit was replaced.		
19.03.2013	2013/03519/TOI/EH		Y	Prosecution pending. 2 days after incident.		
26.03.2013	2013/03791/TDN/EH		N	Requested 3 days after incident occurred. Driver delayed 2 days and the footage had been over-written. Owner confirmed he has CCTV running 24/7 for insurance purposes and will look into a bigger hard-drive to take this into account.		
28.03.2013	2013/03519/TOI/EH		Y	Further request for more footage of same incident. Requested 9 days after first request and 11 days after incident.		
21.03.2013	2013/03597/TDN/EH		N	Despite driver testimony that he was working, DC confirm that no footage was available and conclude that device must have been switched off. Confirmed device was working properly and not malfunctioning.		
28.03.2013	2013/03542/TDFL/EH		N	Data controller is owner who had failed to register with ICO in the month between licensing and retrieval request. Owner did not know how to access the information on the hard-drive in order to provide it.		
12.04.2013	2013/05293/TDN/EH		Y			Advice given to driver
30.04.2013	2013/		Y			Driver given simple caution.

07.05.2013	2013/05861/TOH/EH		N	Incident happened 19.04 and investigated immediately. Request made later as was not deemed needed initially. Footage over-written.		
21.05.2013	2013/06857/TDFL/EH		N	No footage available. Driver claims that was told by DC that device never worked since installation and it was replaced accordingly. They have avoided confirming the reason for failure to us directly to date.		
13.06.2013	2013/07518/TON/EH		N	No footage available at the time of the incident		He has now stated that he has bought and installed a bigger memory for the unit
25.06.2013	2013/08576/TDN/EH		N	Device records for 4 hours		Request made next day after incident but still unsuccessful.
18.07.2013	2013/09128/TDN/EH		Y			
31.07.2013	2013/10185/TDV/EH		N	Device utilised historical software and card that was non-compatible with retrieval.		
01.08.2013	2013/10566/TDN/EH		N	No footage available		
09.09.2013	2013/12183/TDFL/EL		N	fault with hardware		now rectified
2013/	2013/13045/TDN/EH		N	Hardware Error		Incident happened 27.09. Complaint made 30.09. CCTV requested 08.10. Working patterns.
11.10.2013	2013/12909/TDV/EH		N	Delay in response and getting owner to arrange for driver to take vehicle to Data Controller. After many delays turns out there was confusion over who was the DC - Radio Relay not Cab Care. Now (05/11) too late to find footage from 27/09.	JE	Incident 24/09. Complaint rcvd 24/09 letter to comp 27/09 requiring more info to identify vehicle. Response rcvd 09/10. Requested CCTV 11/10 & 15/10 requested Owner present vehicle 16/10. 23/10 Owner said xxx was busy when he called & would call him back when he had a slot still awaiting call. Turns out is xxx!!
23.10.2013	2013/14055/TDV/EH		N	Hardware Error		Incident occurred 20.10. Footage requested 23.10.
23.10.2013	2013	2013	N	Hardware Failure		Incident 21.10.2013. Comp received same day. No response from xxx until 31.10.2013.
25.10.2013	2013/14129/TDO/EH		Y		JE	25.10 - Requested from xxx @ xxx. Msg left with owner/driver. 05/11- xxx did not access whilst on leave, drivers number out of date. Today spoke to driver & xxx at xxx to arrange download.
05.11.2013	2013/14361/TDN/EH		N	1GB Memory Card - Overwritten		Was rerecorded over due to lack of memory
06.11.2013	2013/14476/TDN/EH		Y	N/A	JE	Driver shown to be brusque but not aggressive or rude. Did not throw bags out or drive at customer.
22.11.13	2013/14890/TDFL/EH		N	Hardware Failure	JE	Alleged flipping
03.12.13	2013/15441/TDFL/EH		N	CCTV unit switched off	JE	Alleged flipping
10.01.14	2014/00259/TDN/EH		N	Report received 9 days after incident and hard drive had insufficient memory to make a retrieval possible	JE	Alleged racial abuse

LICENSING COMMITTEE (NON LICENSING FUNCTIONS)

Agenda Item 30

Brighton & Hove City Council

Subject:	Lowering Emissions for Hackney Carriage and Private Hire Vehicles		
Date of Meeting:	06 March 2014		
Report of:	Head of Regulatory Services		
Contact Officer:	Name:	Martin Seymour and Sam Rouse	Tel: 29-2550
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report on the proposals for lowering emissions (harmful to human health and Green House Gases) for Hackney Carriage and Private Hire Vehicles as noted by Environment, Transport and Sustainability Committee on 14 January 2014 in a report proposing a Low Emission Zone for central Brighton.

2. RECOMMENDATIONS:

- 2.1 That Committee approves the proposals contained in the report.
- 2.2 That Committee notes the proposed implementation of a Low Emission Zone in central Brighton as approved by Environment Transport and Sustainability Committee on 14 January 2014 as part of a range of measures to reduce vehicle emissions in Brighton and Hove.
- 2.3 That Committee notes ongoing work to be undertaken with Planning to implement some of the recommendations.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 14 January 2014, the Environment, Transport and Sustainability Committee discussed proposals that included measures for lowering NOx, fine particulate and carbon dioxide emissions from Hackney Carriage and Private Hire Vehicles.
- 3.2 A report to Environment, Transport & Sustainability Committee on 14th January 2014 resolved to declare a Low Emission Zone in Castle Square, North Street and Western Road as far as the junction with Holland Road, with the aim of ensuring that all Public Service Vehicles to meet, as a minimum the Euro 5 emissions standard by 1 January 2015, with only licensed exemptions. Officers are consulting with bus operators, DEFRA and the Department for Transport with a view to making an application to the Traffic Commissioner for a Traffic

Regulation Condition to establish the regulatory framework for the Low Emission Zone.

- 3.3 The proposals are split into a number of areas and have the responsibility of various Committees

Principles for appointing and revoking ranks by TRO - (Environment, Transport and Sustainability Committee function)

- Always have regard to the proximity of taxi ranks adjacent to permanent residential in areas of poor air quality (>40 µg/m³ annual mean NO₂)
- When designating new rank spaces; assess potential for residential annoyance or nuisance with consideration of the prevailing roadside air quality & noise

The location of taxi ranks can have a harmful impact on residential amenity in terms of noise, fumes and air quality. It is therefore proposed that work is undertaken with officers in Planning to promote the consideration of the impact of the proximity existing taxi ranks on proposals for new residential units in terms of residential amenity. This work will also look at opportunities for providing new taxi ranks as part of larger developments close to retail, commercial, catering and transport links whilst avoiding rank provision adjacent to residential dwellings (within several metres – dependent on local noise and air pollution levels).

- Aim not to lose rank spaces in areas of high demand and seek new opportunities to increase rank numbers in keeping with city population and economic growth

Licence Conditions – Proposed for March 2014 - Licensing Committee (Non 2003 Licensing Functions)

- Relax licence conditions for passenger seat width
- Diversify licence conditions for the maximum number of passengers per cab: 1, 2, 3, 4, 6 & 8
- Licence conditions to allow for lighter vehicles that carry fewer passengers opening a niche market opportunity (cars that weigh less are more suited to narrow streets, slow speeds, electric and petrol)
- Taxi design brief: less weight, smaller engine, higher ratio of passenger & luggage space relative to bonnet

Future changes to Licence conditions Post 2014 – Licensing Committee (Non 2003 Licensing Functions)

- Auto engine cut off advisable on all new cars
- Cut engine cut pollution signs at selected ranks
- Licence conditions to be based on emission and not age (in practice only the larger taxi minibuses will be more than five years old so this may have to consider exemptions in balance with wheelchair accessibility requirements)
- Local condition requires taxis to pass an oxide of nitrogen test, like the existing MOT certificate for hydrocarbons and carbon monoxide

(consistent with existing US policy and EU directive being considered). To this end a quotation has been requested from Transport Research Laboratory (TRL) for a fleet test. It is expected this will be less expensive than garage tests for individual cars. The aim is to provide evidence re which licensed cars in practice have the lowest NOx and fine particulate emissions in the local environment.

TRO Fixed Penalties, Civil Enforcement Officers (Environment, Transport and Sustainability Committee function)

- Avoidance of engine idling and Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 becomes condition of taxi licence^[1] (potential exemptions for certain temperatures).

Planning matters

- Undertake work with Planning policy to plan for CNG and electromotive rapid charging infrastructure (talks with supermarkets, bus company, SAQP, EV South East)
- Undertake work with Planning to consider scope for new rank spaces as a condition of major developments (funding with S106 and to include alternative refuelling infrastructure).

Ideas for further consideration - Licensing Committee (Non 2003 Licensing Functions)

- Taxi drivers trained and licensed to carry passengers with disabilities therefore number of taxi rank spaces could be balanced with the number of disabled parking bays for private vehicles
- Number of wheelchair accessible vehicles and minibuses is proportional to demand and is justified

3.4 The 3rd edition of the Blue Book allows the adoption of the following proposals and gives discretion for officers to vary the number of passengers a vehicle may carry and allows a wider range of vehicles than currently licensed.

- Relax licence conditions for passenger seat width
- Diversify licence conditions for the maximum number of passengers per cab: 1, 2, 3, 4, 6 & 8
- Licence conditions to allow for lighter vehicles that carry fewer passengers opening a niche market opportunity (cars that weigh less are more suited to narrow streets, slow speeds, electric and petrol)
- Taxi design brief: less weight, smaller engine, higher ratio of passenger & luggage space relative to bonnet

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 Consideration has been given to not changing the licensing regulations for taxis. Annual average levels of nitrogen dioxide are however over 50% above limits in

some streets and these proposals would mean that the taxi service is able to play its part in driving down emissions in the city.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

Finance and Legal Services, Environmental Protection, Transport Operations, Taxi Forum

6. CONCLUSION

That members consider the recommendations

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

There are no direct financial implications associated with the recommendation in this report, other than for the use of officer time which had been funded from existing Environmental Health & Licensing revenue budgets.

Finance Officer Consulted: Steven Bedford

Date: 10/01/2014

7.2 Legal Implications:

Lawyer Consulted:

Name

Date: dd/mm/yy

7.3 Equalities Implications:

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to Taxis/Private Hire Vehicles is a priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

7.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities.

7.5 Any Other Significant Implications

The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

SUPPORTING DOCUMENTATION

Appendices:

1. Brighton & Hove 2013 AQMA Rottingdean High Street.
2. Brighton & Hove 2013 AQMA Part of Central Brighton, Hove and Portslade AQMA.
3. Taxi Rank AQ report.
4. Taxi Rank Location Map.

Documents in Members' Rooms

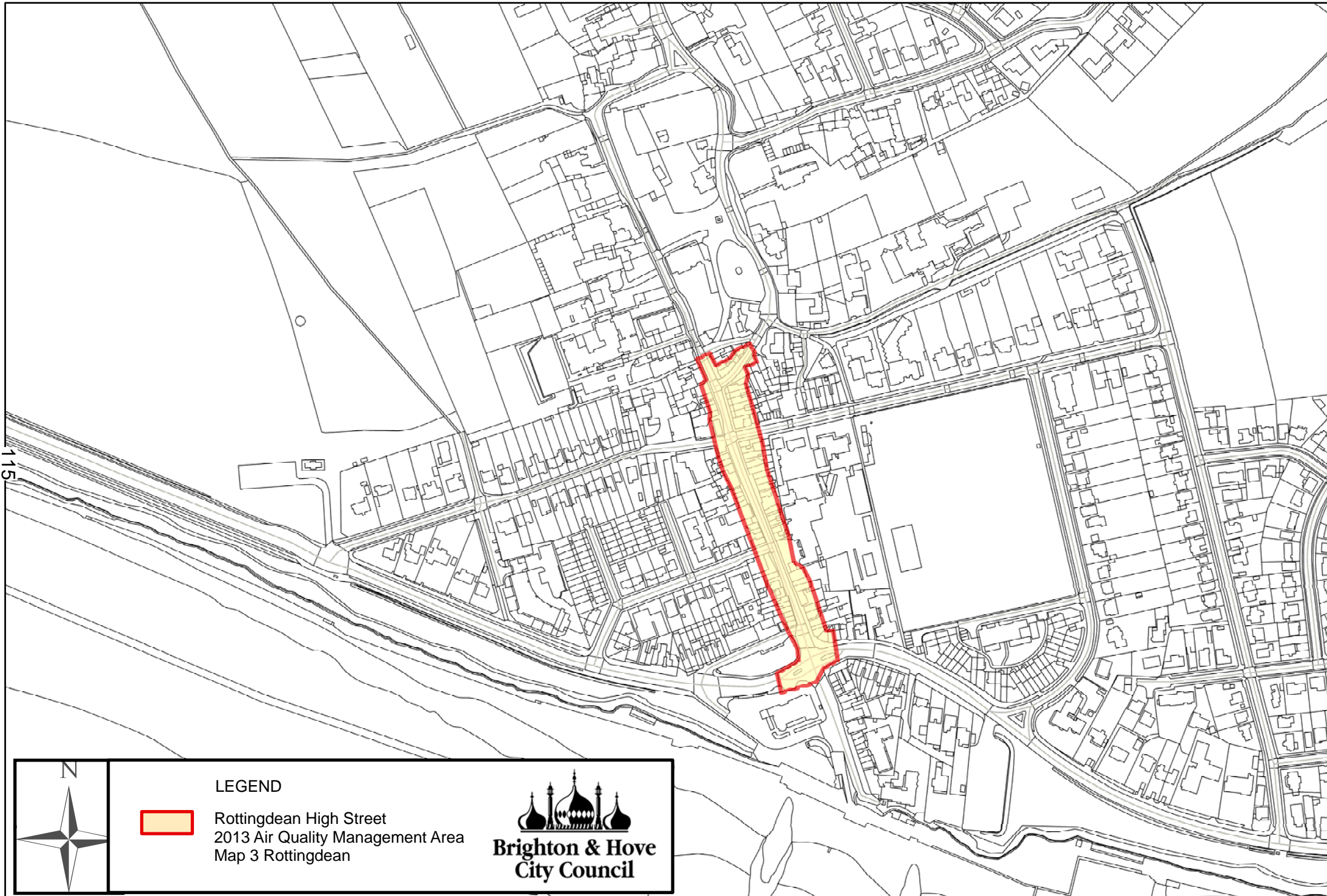
1. None.

Background Documents

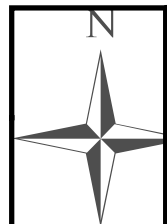
1. Map of AQMA (Air Quality Management Area).

Local Authorities have a duty under the Environment Act 1995 to review and assess air quality in their area. Where pollutants are found to exceed standards set out in the air quality strategy for England the local authority has a legal duty to declare an air quality management area (AQMA). This must be followed by an air quality action plan; that states measures to reduce human exposure to pollution in the AQMA; justified with reduced risk of disease and improvements to health and wellbeing.

In accordance with its statutory duties Brighton & Hove City Council has assessed air quality in its area since the 1990s. Based on recent evidence a new AQMA was declared in August 2013. This area is priority for general air quality improvement and compliance with the outdoor limit for nitrogen dioxide.



115

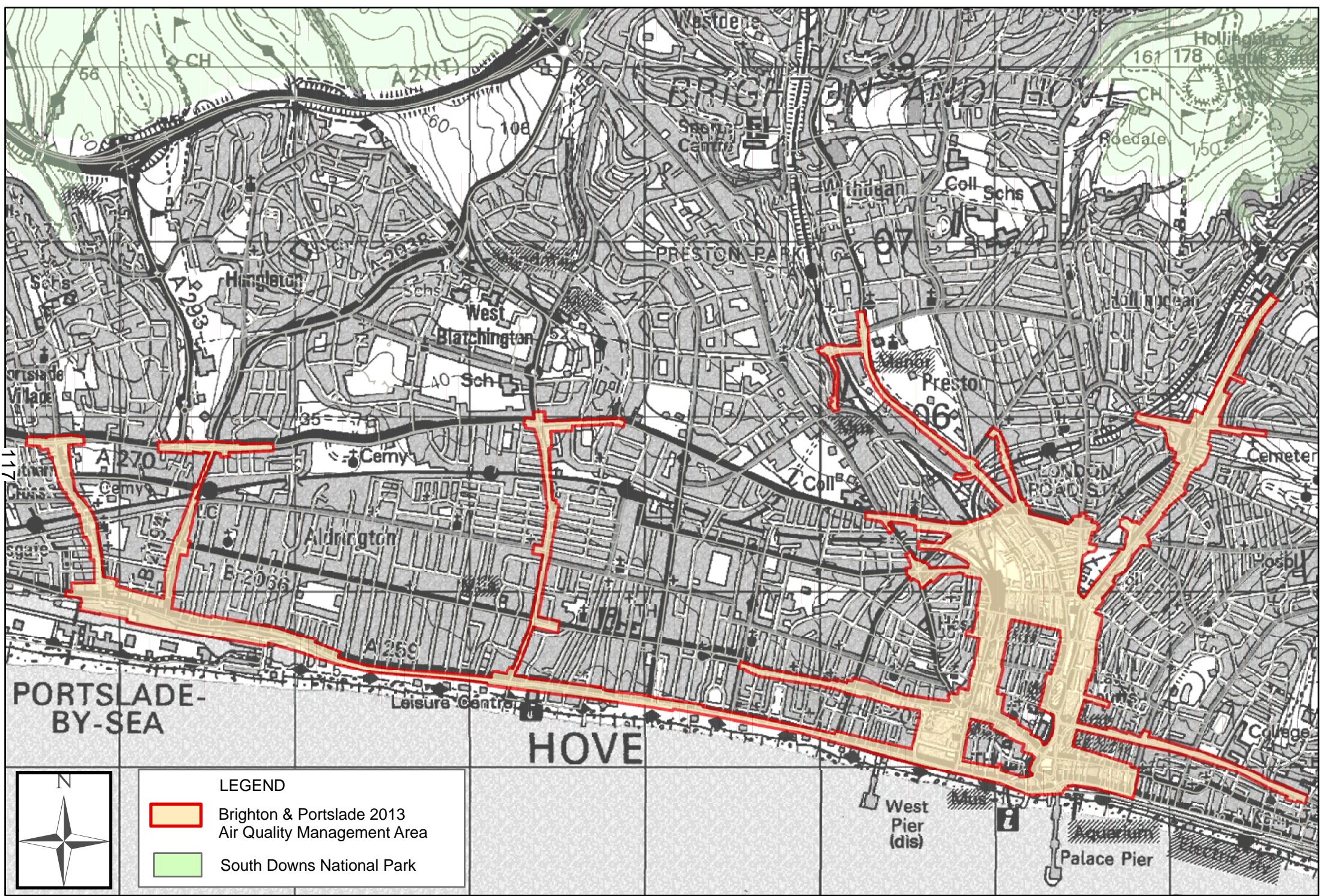


LEGEND



Rottingdean High Street
2013 Air Quality Management Area
Map 3 Rottingdean





LEGEND

- Brighton & Portslade 2013 Air Quality Management Area
- South Downs National Park

Rank for AQ	Name	Side of the Road	Near to	Spaces	In AQMA?	Distance to residential (m)	Monitored NO ₂ (in proximity)		Modelled NO ₂	Notes
							2011 or recent	2012 or 13		
1	Brighton Station	Station Forecourt	Queens Road	20	YES	6		55	55-60	High count of pedestrians, not certain if space above shops is residential
2	Castle Square	East Side	North Street-East Street	6	YES	5 (?)	66	53	49-54	1st floor space above shops probably not inhabited, taxi rank appears to be shared with loading bays
3	Gloucester Place	West Side	York Place Valley Gardens	2	YES	5	49		45-50	flat above vacant ground floor
4	East Street	Both Sides and Centre	North Street	14	YES	7		53	44-60	Monitoring near by on Castle Square not certain if space above shops is residential
5	Lewes Road	East Side	Coombe Terrace	7	YES	12		47	42-47	Office and retails space above ground floor
6	Kings Road	North Side	Thistle Hotel	2	YES	10			42-46	Distance to hotel
7	Kings Road	North Side	Metropole Hilton	2	YES	11			42-46	Distance to hotel
8	Kings Road	North Side	Grand Hotel	2	YES	11	46	47	42-45	Distance to hotel monitoring is closer to road
9	St Peters Place	South Side	York Place	8	YES	24	45		40-50	Set back from houses next to park
10	Pool Valley	West Side	Grand Junction Road	2	YES	6	40	45	40-46	Distance to nearest hotel
11	London Road	North East	S of Preston Circus	2	YES	3.5	43		40-43	flat above shop
12	St James Street	North Side	Charles Street	2	YES	4	45	42	40-42	Flats above shops
13	West Street	West Side	Cinema	4	YES	20			39-43	Distance to nearest hotel
14	Western Road	North Side	Spring Street	2	YES	10			38-42	High count of pedestrians
15	Kings Road	North Side	Old Ship Hotel	4	YES	13			38-42	Distance to hotel
16	West Street	East Side	South Street	6	YES	8	38		37-42	Nearest part of Belgrave Hotel
17	Marine Parade	South Side	Charles Street	4	YES	14			37-40	Flats within 15 m
18	Station Road	West Side	South of Portslade Station	3	YES	7	36		36-38	Distance to flats above shop
19	Kingsway	South Side	Hove Street	4	YES	25			35-37	Not near residential
20	Old Steine	East Side	East of Pool Valley	2	YES	4			34-37	Distance to Royal York Buildings
21	Queens Square	North Side	Lower Dyke Road Lower	14	YES	7			33-38	Rank in centre but potential for complaints
22	Goldstone Villas	Middle and East Side	Hove Station	10	NO	12			33-37	Houses set back from rank
23	Portland Road	North Side	Hogarth Road	3	NO	7	37		32-36	Compliant with AQO at façade potential for complaints with new development
24	Portland Road	North Side	Woodhouse Road	3	NO	12			32-34	Complaint at façade
25	Western Street	East Side	Kingsway	3	YES & NO	3.5			31-35	Decreasing NO ₂ back from Kingsway
26	Goldstone Villas	East Side	Blachington Road	7	NO	18			31-34	Houses set back from rank
27	Norfolk Road	East Side	Western Road in AQMA	2	YES & NO	4			30-34	houses within five metres also close to Western Road bus route
28	Brunswick Place	East Side	Western Road in AQMA	8	YES & NO	3			30-33	houses within five metres also close to Western Road bus route
29	Lewes Road Outer	South Side	Barcombe Road	2	NO	14			30-32	
30	New England Street	South Side	Ann Street	2	YES	3.5	29		30-33	Recent planning permission for residential next to taxi rank
31	Marine Parade	South Side	Burlington Street	3	NO	20			29-33	
32	Shaftesbury Place	North Side	London Road Station	1	NO	7			29-32	
33	Longbridge Avenue	South Side	Marine Drive, Saltdean	2	NO	13			29-32	
34	Church Road, Hove	North Side	Wilbury Road	2	NO	8			26-29	
35	Church Road, Hove	North Side	Salisbury Road	7	NO	13			26-29	
36	Henley Road	South Side	Whitehawk Road	3	NO	11			26-28	
37	Paston Place	West Side	Eastern Road	8	NO	3.2			25-28	houses within five metres
38	Wish Road	West Side	New Church Road Hove	0	NO	?			25-27	No evidence of rank on Wish Road
39	Norton Road	East Side	New Church Road Hove	7	NO	18			25-27	
40	Montpelier Crescent	South Side	Vernon Terrace	6	NO	20	27		24-28	
41	Rutland Gardens	East Side	New Church Road Hove	5	NO	20			24-26	
42	Stamford Avenue	East Side	Florence Road	5	NO	9			24-26	
43	West Way	North Side	Hangleton Road	2	NO	6			24-26	
44	Queens Park Terrace	South Side	Queens Park Road	4	NO	35			24-26	
45	Elm Grove	South side	Brighton General Hospital	5	NO	7			23-26	Distance to nearest hospital building
46	Eaton Road	South Side	Near Cricket ground	3	NO	4			23-25	Potential for complaint
47	Tongdean Lane	West Side	Withdean Stadium	5	NO	65			21-25	
48	Neville Road	East Side	Frant Road	2	NO	19			21-24	
49	Warmdean Avenue	South Side	Mackie Avenue	2	NO	19			20-23	
50	Carden Hill	South Side	Carden Avenue	2	NO	63			13-16	
							2011 or recent	2012 or 13		
							Available NO ₂ monitoring			
			TOTAL RANK SPACES	226						
			RANK SPACES IN AQMA	142						
			% Ranks in space in AQMA	62.8						



LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 31

Brighton & Hove City Council

Subject: Hackney Carriage / Private Hire Trade Ethnicity Monitoring
Date of Meeting: 6th March 2014
Report of: Head of Regulatory Services
Contact Officer: Name: *Martin Seymour* Tel: 29-6659
E-mail: hco@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE/ EXEMPTIONS

1. PURPOSE OF REPORT AND POLICY CONTEXT:

To report the results of Ethnicity Monitoring of the Hackney Carriage / Private Hire Trade for 2012/13.

2. RECOMMENDATIONS:

- 2.1 That Committee note the results of Ethnic Monitoring.

3. CONTEXT/BACKGROUND INFORMATION

All applications received by the Hackney Carriage Office for the licensing of vehicles and drivers are monitored for ethnic background. The results of this monitoring are shown in appendix A.

Ethnic monitoring is undertaken to ensure that the waiting list is maintained and operated in a fair and transparent way as recommended by the Equality and Human Rights Commission.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

None

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 This matter has been discussed at the council's hackney carriage and private hire consultation forum where all members of that forum are free to express their opinions. The forum members have delegated negotiations to selected representatives. Monitoring is carried out at the request of the forum who are satisfied with the results.

6. CONCLUSION

That members note the report

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications

There are no direct financial implications associated with the recommendation in this report, other than for the use of officer time which had been funded from existing Environmental Health & Licensing revenue budgets.

Finance Officer Consulted: Steven Bedford Date: 10/01/2014

7.2 Legal Implications

Under section 149 of the Equality Act 2010, a public authority such as the council must, in the exercise of its functions, have due regard to the need to-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Ethnicity monitoring of the Hackney Carriage/Private Hire trade will assist in the discharge of that duty.

Lawyer Rebecca Sidell Date: 14/01/14

7.3 Equalities Implications:

There are no direct implications in the report. However, in order to improve services to disabled groups all new drivers are required to pass the Btec Level 2 Certificate in Introduction to the role of the Professional Taxis and Private Hire Driver. Drivers are also required to reach a basic standard of literacy. Monitoring assists better regulation principles: proportionality, accountability, consistence, transparency.

7.4 Sustainability Implications

None

7.5 Any Other Significant Implications

None

SUPPORTING DOCUMENTATION

Appendices A:

Ethnic Monitoring Report

1. Overall total returns from Taxi ethnicity monitoring 2012 - 13

Total number of responses for this period is 2015.

Please note all percentages are subject to rounding.

1.1 All application

	Frequency	Percentage
Private hire vehicles	223	11%
Hackney carriage drivers	898	45%
Hackney carriage vehicles	379	19%
First applications	73	4%
Private hire drivers	324	16%
Waiting list	118	6%
Total	2015	

1.2 Age

	Frequency	Percentage
18 to 24	19	1%
25 to 34	260	13%
35 to 49	772	40%
50 to 59	544	28%
60 Plus	361	19%
Total	1956	
Not known	59	
	2015	

1.3 Gender

	Frequency	Percentage
Female	103	6%
Male	1743	94%
Total	1846	
Not known	169	
	2015	

1.4 Ethnicity

	Frequency	Percentage
White British	1170	59%
White Irish	13	< 1%
White Other	134	7%
Black or Black British - African	34	2%
Black/Black British - Other	12	< 1%
Asian/ Asian British - Bangladeshi	129	7%
Asian/ Asian British - Indian	6	< 1%
Asian / Asian British - Pakistani	13	< 1%
Asian / Asian British - Other	138	7%
Chinese	14	< 1%
Mixed - White & Asian	23	1%
Mixed - White & Black African	23	1%
Mixed - Other	20	1%
Sudanese	161	8%
Other	81	4%
Total	1971	
Not known	44	
Total	2015	

Other Ethnicities	
White	
	Number
Polish	41
Turkish	14
Portuguese	9
Italian	6
Persian	5
Iranian	4
Middle Eastern	4
Afghan	3
Bulgarian	3
Christian Coptic Orthodox	3
European	3
Israeli	3
Syrian	3
Egyptian	2
Kosovo	2
Romanian	2
Slovakian	2
Spanish	2
African	1
Albanian	1
American	1

Arabic	1
British / Italian	1
Czech	1
Dutch	1
Greek	1
Iraqi	1
Mediterranean	1
Moroccan	1
South African	1
South American	1
Sudanese	1
Turkish / British	1
No response	7
Asian / Asian British	
	Number
Afghan	76
Iranian	30
Persian	6
Anglo Indian	2
Arab	2
Japanese	2
Middle Eastern	2
Nepal	2
Afghan Dutch	1
Arabic	1
Iraqi	1
Kashmiri	1
Mauritian	1
Sri Lankan	1
Yemenis	1
No response	9
Black/Black British - Other	
Afghan	2
Egyptian	2
Afghan Dutch	1
Arab	1
European	1
Mauritian	1
North African	1
Sudanese	1
No response	1
Mixed	
	Number
Cyprus / Turkish	2

Indian / English	2
Iranian	2
Afghan / British	1
African American / German	1
Asian / Iranian	1
Black Caribbean / Asian	1
British / Iranian	1
British / Libyan	1
British / Persian	1
British / Sudanese	1
Chinese / White / Asian	1
Middle Eastern	1
Mixed British	1
North African	1
No response	2
Other ethnicity	
	Number
Arab	14
Iranian	13
Egyptian	6
Turkish	5
Arabic	4
Moroccan	4
North African	4
Libyan	3
Mauritian	3
Middle Eastern	3
Afghan	2
Coptic Egyptian	2
Persian	2
Arab British	1
Arabic / Palestinian	1
Christian Coptic Orthodox	1
Egyptian / Sudanese	1
Iraqi	1
Kuwait	1
Sudanese	1
Sudanese Coptic	1
Syrian	1
Bangladeshi	1
No response	6

2. Private Hire Vehicles

2.1 Age

	Frequency	Percentage
18 to 24	1	< 1%
25 to 34	16	7%
35 to 49	84	38%
50 to 59	64	29%
60 Plus	55	25%
Total	220	
Not known	3	
	223	

2.2 Gender

	Frequency	Percentage
Female	6	3%
Male	194	97%
Total	200	
Not known	23	
	223	

2.3 Ethnicity

	Frequency	Percentage
White British	157	72%
White Irish	1	< 1%
White Other	3	1%
Black or Black British - African	4	2%
Asian/ Asian British - Bangladeshi	19	9%
Asian / Asian British - Pakistani	4	2%
Asian / Asian British - Other	10	5%
Chinese	3	1%
Sudanese	10	5%
Mixed - White & Black African	1	< 1%
Mixed - Other	2	< 1%
Other	5	2%
Total	219	
Not known	4	
	223	

2.3.2 Other Ethnicities	
White	
	Number
Polish	2
Sudanese	1
Asian / Asian British	
	Number
Afghan	5
Iranian	1
Iraqi	1
Japanese	1
Nepal	1
No response	1
Mixed	
	Number
Indian / English	1
No response	1
Other ethnicity	
	Number
Iranian	1
Mauritian	1
Moroccan	1
North African	1
Egyptian	1

3. Hackney Carriage Drivers

3.1 Age

	Frequency	Percentage
18 to 24	3	< 1%
25 to 34	117	13%
35 to 49	347	39%
50 to 59	244	28%
60 plus	171	19%
Total	882	
Not known	16	
	898	

3.2 Gender

	Frequency	Percentage
Female	51	6%
Male	777	94%
Total	828	
Not known	70	
	898	

3.3 Ethnicity

	Frequency	Percentage
White British	545	61%
White Irish	6	< 1%
White Other	72	8%
Black or Black British - African	14	2%
Black/Black British - Other	7	< 1%.
Asian/ Asian British - Bangladeshi	39	4%
Asian/ Asian British - Indian	2	< 1%
Asian / Asian British - Pakistani	2	< 1%
Asian / Asian British - Other	59	7%
Chinese	4	< 1%
Sudanese	77	9%
Mixed - White & Asian	12	1%
Mixed - White & Black African	7	< 1%
Mixed - Other	9	1%
Other	39	4%
Total	894	
Not known	4	
Total	898	

Other Ethnicities	
White Other	
	Number
Polish	21
Turkish	9
Persian	4
Portuguese	4
Afghan	3
Iranian	3
Italian	3
Middle Eastern	3
Christian Coptic Orthodox	2

European	2
Syrian	2
African	1
American	1
Bulgarian	1
Czech	1
Dutch	1
Egyptian	1
Greek	1
Israeli	1
Mediterranean	1
Slovakian	1
South American	1
Spanish	1
Turkish / British	1
No response	3
Asian / Asian British - Other	
	Number
Afghan	37
Iranian	11
Arab	2
Afghan	2
Egyptian	2
Afghan Dutch	1
Anglo Indian	1
Asian British	1
Middle Eastern	1
Nepal	1
Persian	1
Sri Lankan	1
Yemenis	1
No response	1
European	1
Mauritian	1
North African	1
Mixed - Other	
	Number
Asian / Iranian	1
Iranian	2
Black Caribbean / Asian	1
British / Iranian	1
British / Persian	1

British / Sudanese	1
Cyprus / Turkish	1
Mixed British	1
Other ethnicity	
	Number
Iranian	11
Arab	3
Arabic	3
Egyptian	3
Turkish	3
No response	2
North African	2
Arab British	1
Coptic Egyptian	1
Egyptian / Sudanese	1
Iraqi	1
Kuwait	1
Libyan	1
Mauritian	1
Middle Eastern	1
Moroccan	1
Persian	1
Sudanese Coptic	1
Syrian	1

4. Hackney Carriage Vehicles

4.1 Age

	Frequency	Percentage
18 to 24	1	< 1%
25 to 34	36	10%
35 to 49	123	34%
50 to 59	123	34%
60 plus	81	22%
Total	364	
Not known	15	
	379	

4.2 Gender

	Frequency	Percentage
Female	22	6%
Male	318	94%
Total	340	
Not known	39	
	379	

4.3 Ethnicity

	Frequency	Percentage
White British	202	54%
White Irish	2	< 1%
White Other	24	6%
Black or Black British - African	4	1%
Black/Black British - Other	3	< 1%
Asian/ Asian British - Bangladeshi	18	5%
Asian/ Asian British - Indian	2	< 1%
Asian / Asian British - Other	34	9%
Chinese	3	< 1%
Sudanese	48	13%
Mixed - White & Asian	8	2%
Mixed - White & Black African	7	2%
Mixed - Other	4	1%
Other	15	4%
Total	374	
Not known	5	
	379	

Other Ethnicities	
White Other	
	Number
Turkish	5
Portuguese	4
Polish	3
Israeli	2
Italian	2
Christian Coptic Orthodox	1
Egyptian	1
Iranian	1
Iraqi	1

Persian	1
Romanian	1
South African	1
Spanish	1
Asian / Asian British - Other	
	Number
Iranian	14
Afghan	13
Persian	3
No response	2
Anglo Indian	1
Mauritian	1
Afghan Dutch	1
Arab	1
Egyptian	1
Mixed - Other	
	Number
Afghan / British	1
Cyprus / Turkish	1
Middle Eastern	1
No response	1
Other ethnicity	
	Number
Arab	2
Middle Eastern	2
Turkish	2
Afghan	1
Arabic	1
Christian Coptic Orthodox	1
Egyptian	1
Mauritian	1
Moroccan	1
North African	1
Persian	1
Sudanese	1

5. First applicants

5.1 Age

	Frequency	Percentage
18 to 24	8	11%
25 to 34	36	49%
35 to 49	27	37%
50 to 59	2	3%
60 plus	73	

5.2 Gender

	Frequency	Percentage
Female	1	1%
Male	69	99%
Total	70	
Not known	3	
	73	

5.3 Ethnicity

	Frequency	Percentage
White British	15	21%
White Other	19	26%
Black or Black British - African	2	3%
Asian/ Asian British - Bangladeshi	6	8%
Asian / Asian British - Pakistani	2	3%
Asian / Asian British - Other	13	18%
Chinese	1	1%
Sudanese	4	6%
Mixed - White & Asian	1	1%
Mixed - White & Black African	3	4%
Mixed - Other	1	1%
Other	6	8%
Total	73	

Other Ethnicities	
White Other	
	Number
Polish	8
Kosovo	2

Albanian	1
Arabic	1
Bulgarian	1
European	1
Middle Eastern	1
Moroccan	1
Romanian	1
Slovakian	1
Syrian	1
Asian / Asian British - Other	
	Number
Afghan	9
Persian	2
Iranian	1
Kashmiri	1
Chinese / White / Asian	1
Other ethnicity	
	Number
Arab	2
Libyan	2
Afghan	1
Arabic / Palestinian	1

6. Private Hire Drivers

6.1 Age

	Frequency	Percentage
18 to 24	5	2%
25 to 34	31	10%
35 to 49	137	44%
50 to 59	87	28%
60 plus	51	16%
Total	311	
Not known	13	
	324	

6.2 Gender

	Frequency	Percentage
Female	16	5%
Male	279	95%
Total	295	
Not known	29	
	324	

6.3 Ethnicity

	Frequency	Percentage
White British	207	64%
White Irish	4	1%
White Other	9	3%
Black or Black British - African	8	3%
Black/Black British - Other	1	< 1%
Asian/ Asian British - Bangladeshi	31	10%
Asian / Asian British - Pakistani	5	2%
Asian / Asian British - Other	19	6%
Chinese	3	< 1%
Sudanese	22	7%
Mixed - White & Asian	1	< 1%
Mixed - White & Black African	4	1%
Mixed - Other	4	1%
Other	4	1%
Total	322	
Not known	2	
	324	

7. Waiting lists

7.1 Age

	Frequency	Percentage
18 to 24	1	< 1%
25 to 34	24	23%
35 to 49	54	51%
50 to 59	24	23%
60 plus	3	3%
Total	106	
Not known	12	
	118	

7.2 Gender

	Frequency	Percentage
Female	7	6%
Male	106	94%
Total	113	
Not known	5	
	118	

7.3 Ethnicity

	Frequency	Percentage
White British	44	49%
White Other	7	8%
Black or Black British - African	2	2%
Black/Black British - Other	1	1%
Asian/ Asian British - Bangladeshi	16	18%
Asian/ Asian British - Indian	2	2%
Asian / Asian British - Other	3	3%
Mixed - White & Asian	1	1%
Mixed - White & Black African	1	1%
Other	12	14%
Total	89	
Not known	29	
	118	

Other Ethnicities	
White Other	
	Number
No response	4
Polish	3
Asian / Asian British - Other	
	Number
No response	3
Black / Black British - Other	
	Number
Sudanese	1
Other ethnicity	
	Number
Arab	7

No response	5
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LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 32

Brighton & Hove City Council

Subject: Hackney Carriage Accessibility Policy Review
Date of Meeting: 6 March 2014
Report of: Head of Regulatory Services
Contact Officer: Name: *Martin Seymour* Tel: 29-6659
E-mail: Martin.seymour@brighton-hove.gov.uk
Wards Affected: All

1. PURPOSE OF REPORT AND POLICY CONTEXT:

To review the Hackney Carriage Accessibility Policy.

2. RECOMMENDATIONS:

- 2.1 That Committee approve amendments to the Hackney Carriage Accessibility Policy (Appendix 1); specifically to require additional single ramps to be provided for all wheelchair accessible vehicles and allow a minimum capacity for a WAV of wheel chair, passenger, passenger and luggage.

3. CONTEXT/ BACKGROUND INFORMATION:

- 3.1 On 27 June 2013 committee endorsed the current Hackney Carriage Accessibility Policy.
- 3.2 Following further consultation with the Taxi Forum, The Fed Centre for Independent Living, Manufactures and Suppliers of vehicles it has become necessary to make some changes to the existing policy and to be consistent with the Blue Book. Officers also organised a WAV day where disabled members of the FED could look at the existing fleet of wheelchair accessible vehicles and potential new vehicles.
- 3.3 A contentious issue has been vehicles that are only supplied with, or only have parallel ramps rather than single ramp. The FED centre for independent living express a strong recommendation that single ramps are safer, less likely to tip. Some drivers have explained that parallel ramps reduce risks of accidents in particular situations. Some vehicles are supplied with parallel ramps or parallel and single ramps. Incorrect manual handling is one of the most common causes of injury at work. It causes work-related musculoskeletal disorders. The risk of injury from hazardous manual handling, should be avoided or reduced, so far as is reasonably practicable. Drivers must use equipment provided for their safety properly. To resolve the issue the policy has been amended to:

“The vehicle should normally have a single ramp which can accommodate all four wheels of a wheelchair to load and unload persons wishing to travel in the vehicle whilst remaining seated in their wheelchair. The vehicle may have in addition, parallel ramps where the proprietor requires them for safety reasons or to meet specific needs of their passengers”

Whilst promoting single ramps as the desired option this will accommodate existing vehicles and new vehicles where the manufacturer / supplier will only supply vehicles with parallel ramps.

- 3.4 Another conflict between current blue book and hackney carriage accessibility policy is defining the minimum capacity of a wheelchair accessible vehicle. Policy needs to clearly allow modern, versatile, specially adapted vehicles that are popular with drivers and passengers. Some rear loading, small car-derived vans, like Peugeot Premier Partners or VW CaddyMax, are specially adapted to offer quick and easy wheelchair accessibility with passenger and luggage carrying capacity. In practical situations, a single carer is often sufficient support for a passenger. It is proposed that the minimum licensing standard should be set at a vehicle capacity of a passenger in a wheelchair, a second passenger and luggage. The WAV day demonstrated that having space for at least 2 carers would exclude the small rear loading vehicles so this is changed to 1. There are situations where specialist, configured vehicles are required, in response to market need, for instance school transport.
- 3.5 Amend delegation in the policy to Executive Director Environment Development & Housing to be consistent with the Blue Book.
- 3.6 The Chair of Licensing wrote to a number of manufactures, converters and suppliers of wheelchair accessible suppliers (see Appendix 2) asking the following
- What wheelchairs are each of your vehicles is designed for, i.e. The London Cab for the reference wheelchair, the invicta, harrier or badger wheelchairs etc.
 - what wheelchairs can be accommodated by these vehicles
 - if any of your vehicles are available as electric or low emission vehicles
 - which vehicles are able to load wheelchairs from the rear, side or both
 - is a swivel seat available
 - Which vehicles can only have parallel ramps and if so why?
 - What, if any, type of crash testing and safety testing have your vehicle modifications been subject to
 - We would also be interested to know what liaison goes on between wheelchair designers, manufacturers and vehicle converters at the design stage.

Disappointingly only 3 responses were received (see Appendix 3)

- 3.7 Officers from the Taxi Licensing Office organised a WAV demonstration day in Memorial Way so that wheelchair users from FED could try the vehicles with their various types of wheelchair. There were also some ambulant disabled from the

FED who tried the vehicles as well. The main operators provided a range of vehicles already licensed and LTI provided the latest London cab that has a higher door way and modified ramp and Cab Direct who provide a VW Caddy Max (rear loading vehicle). The demonstration day proved that no vehicle was suitable for all types of wheelchair some users preferred the rear loaders and some the side loaders.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

5. COMMUNITY ENGAGEMENT & CONSULTATION

Finance, Legal Services and Taxi Forum. The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum. Members of the FED Centre for Independent Living tested Wheelchair accessible vehicles.

6. CONCLUSION

Licensing Committee is invited to consider the recommendations with a view to providing consistency between the hackney carriage accessibility policy and the blue book.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications

There are no direct financial implications associated with the recommendation in this report, other than for the use of officer time which had been funded from existing Environmental Health & Licensing revenue budgets.

Finance Officer Consulted: Steven Bedford

Date: 14/01/2014

7.2 Legal Implications

The policy will assist the trade in meeting its obligations under the Equality Act 2010.

Lawyer Rebecca Sidell

Date: 16/01/14

7.3 Equalities Implications:

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

7.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

7.5 Any Other Significant Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime and increasing the safety of passengers and drivers.

The transport industry should be safe, profitable and be a positive experience for residents and visitors. Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Hackney Carriage Accessibility Policy.
2. Letter to suppliers, Converter or Manufacturer of wheelchair accessible vehicles to the trade.
3. Responses from suppliers, Converter or Manufacturer of wheelchair accessible vehicles to the trade.

LICENSING POLICY

Accessibility Policy for Hackney Carriages

Note: This policy must be read in conjunction with the Council's Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators 3rd Edition.

Background

The Equality Act 2010 requires the providers of public transport services, including the drivers and operators of taxis and private hire vehicles, to ensure people with disabilities are not discriminated against (or treated less favourably). Failure to comply with these duties may lead to any aggrieved person taking legal action in the courts against the driver and operator.

In order to help achieve these duties, the Council has adopted the following as being good practice as well as what it sees as being necessary to support the requirements of the Equality Act 2010.

Vehicle Suitability

Vehicles which conform to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles), or vehicles that are M1 ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible, must be new at first licensing. All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.

The vehicle should normally have a single ramp which can accommodate all four wheels of a wheelchair to load and unload persons wishing to travel in the vehicle whilst remaining seated in their wheelchair. The vehicle may have in addition, parallel ramps where the proprietor requires them for safety reasons or to meet specific needs of their passengers. The vehicle must be of a size and comfort as decided by the Executive Director Environment Development & Housing and as a minimum it must be able to accommodate the standard NHS manual wheelchair, standard NHS electric wheelchair, Invacare Harrier electric wheelchair or latest equivalent, and at least one carer and have sufficient luggage space for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating. The Council will maintain a list of approved vehicles.

Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer. Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Executive Director Environment Development & Housing, where the change

of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

Rear-loading and side-loading vehicles will be permitted and designated as either Class RL or Class SL. Class RL is rear-loaders and Class SL is side-loaders. The Council will permit a mixed fleet of wheelchair accessible vehicles. However, rear-loaders are the preferred type. If the applicant requests a vehicle which is not in Class RL to be licensed the applicant is required to submit in writing (which can include e-mail) to the Council as licensing authority an application explaining why. The Council will aim to achieve a minimum of 60:40 rear-loaders: side-loaders. The Council may have to, from time to time; insist on rear-loaders if there is significant deviation from this target. Where possible this will be through discussions with the trade but it may be necessary for the Council to specify a specific class. However, applicants will have a right of appeal to the Courts.

In order to determine the suitability of a vehicle, it may be necessary for any vehicle to undergo a practical test to confirm suitability and class. Testing will include the types of wheelchair that can access the vehicle, any physical restrictions (e.g. having to lower their head to access the vehicle, excessive length ramps) and head height in the vehicle. Only vehicles on the approved list will be licensed as wheelchair accessible as decided by the Executive Director Environment Development & Housing following consultation with the Fed Centre for Independent Living and the trade.

Vehicles with sliding doors must have an audio warning when the doors are open. Extra handles be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers when getting into and out of the vehicle. A suitable additional step must also be provided at the rear side entrances to the vehicle. All vehicles must have CCTV installed and operated and maintained in accordance with as required by the Executive Director Environment Development & Housing.

The council will maintain a list of wheelchair-accessible hackney carriages and private hire vehicles in accordance with Sec 167 Equality Act 2010. All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

The drivers of wheelchair accessible hackney carriages are required to have completed a training course approved by the Executive Director Environment Development & Housing on the embarking, disembarking and safe carriage of passengers in wheelchairs and must provide proof of training to the Council on request.

Guidance from the Department for Transport Regarding Wheelchair Accessible Vehicles

Vehicles should normally meet the requirements set out below. Any vehicle that does not meet these requirements may be considered on its own merits.

Ergonomic Requirements for Wheelchair Accessible Vehicles

The department for transport commissioned ESRI and Ricability to undertake research on the ergonomics of taxi design that would make taxis available to the largest number of disabled people and has issued the following guidelines. Licensed vehicles are expected to meet or exceed these guidelines.

Taxis Ramps

A steep ramp can make accessing a taxi difficult for wheelchair users; it may also represent a hazard for their assistants and taxi drivers. An ideal design would involve level entry from the kerb. If a gradient is required it should be less than 7°. Ramps should not provide an obstacle for pedestrians on the pavement and their length should be restricted to 1000mm. It is also important that ramps have a safety lip (50mm), are the same width as the door opening and comprise a single non-slip surface. Their edges should be highlighted to reduce the risk of trips.

Steps

Some people cannot manage even a single step and may need a ramp with a gentle gradient if level entry isn't possible. If steps are necessary they should be restricted to a single step that is 100mm high. The steps should be the width of the door entry and be closed at the back without an overhang to reduce the risk of tripping.

Doors and Door apertures

Narrow doors and a low head clearance can cause significant difficulties for ambulant passengers and wheelchair users. A door width of at least 850mm will provide adequate clearance for wider wheelchairs and walking frames. A door height of 1595mm is required to prevent painful stooping and to minimise the risk of a head strike for passengers with visual impairments. While hinged doors can provide a valuable form of support for passengers entering or leaving a vehicle, opening and closing them from the inside can be difficult for seated passengers and larger doors become a potential hazard for pedestrians on the pavement. Sliding doors can provide a large opening but secure latching must be ensured. Powered closure is now available in some vehicles and, if under the driver's supervision, this may provide an effective solution. Sliding doors are often associated with more generous door apertures but care must be taken to ensure that opening and closing efforts are kept below 70N. Again, powered closure may provide an effective solution. There are advantages and disadvantages associated with

wheelchair access from the side and rear of a vehicle. Side access does not require wheelchairs to negotiate a kerb or enter the carriageway and enables shallower ramp angles from the pavement. Rear access may be the most practicable means of access in non-urban environments. It may also enable simpler manoeuvres to a secure travelling position inside the vehicle but may not be possible from a taxi rank or kerbside. The requirements outlined above (ramps and door size) are applicable in both cases.

Passenger Compartment

As low seats can be difficult for passengers with stiff or painful joints to use seat heights need to be between 430mm - 460mm from the floor and the squab should not have a pronounced angle. In order to accommodate passengers with limited leg flexibility a space of at least 1176mm between the seat back and any forward obstruction is required. A swivel seat (preferably powered) can provide a valuable alternate means of entry for passengers who find even a low single step difficult to negotiate. It is important that such seats provide a sense of security for the passenger while they are in operation and that they are large enough to provide a secure and comfortable ride. An interior roof height of at least 1625mm (ideally 1825) is required. If internal space is limited then it is important that passengers can access seats as directly as possible from an entrance. If there is a more generous provision (as when wheelchairs can also be accommodated in front of the passenger seats) it is important that there is sufficient internal height to prevent the need to stoop. Adequate provision of grab handles is an important requirement in either case. Manoeuvring space measuring' to identify that this research is referring to manoeuvring space only and has not considered the kinematics of a wheelchair occupant during a vehicle impact at least 1300mm by 1340mm is required. This assumes that the wheelchair will be carried facing backwards and there is a side entrance. If the wheelchair is to face forwards then a slightly larger manoeuvring space is required. The position of the side door affects the manoeuvring space required and for forward facing carriage the manoeuvring space is minimised if the door way is set back from the main bulkhead.

Handles and Grab Handles

Door handles that allow the passenger to use their whole hand to exert leverage and a range of opening strategies are preferable. Handle operation and latching efforts should be minimised to assist passengers who have limited upper body strength. Grab handles play an important role in supporting access and providing stability support whilst passengers are inside a vehicle. The precise location will be dependent on the design of the vehicle and, in particular, the means of entry (i.e. step, ramp, swivel seat etc). Handles should have a diameter of 40mm and surface clearance of 45mm. For standing passengers (travelling in other modes of public transport) a height of around 900mm is recommended. However, lower positioning is more appropriate for handles in taxis intended to assist passengers getting up from seats or children climbing into a vehicle Horizontal handles are more helpful inside a vehicle but vertical handles are recommended for doorways.

Visibility and Lighting

For passengers with impaired vision feature and edge high-lighting can provide important assistance. The following features should be visually emphasised: exterior and interior door handles, step and ramp edges, door edges and door apertures, grab handles, seat edges and facilities provided to allow communication with the driver. Ambient lighting within the passenger compartment should be at least 150lux but higher levels of illumination may cause distraction for the driver and adaptation problems for some passengers alighting into a dark street. Brighter feature lighting (>200lux) is recommended for steps, the meter display and the communication window. In all cases lighting sources should be positioned so as to prevent shadowing.

Additional Information for Drivers

Duties to assist Passengers in Wheelchairs

Section 165 of the Equality Act 2010 deals with the imposition of duties on the drivers of designated wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. Designated vehicles are those listed by the licensing authority under section 167 of the Equality Act 2010.

Designated Vehicles

A list of wheelchair-accessible hackney carriages and private hire vehicles will be maintained by the Council in accordance with Sec 167 Equality Act 2010.

All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

NB Mobility assistance is assistance -

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Exemptions from the duties - Section 166 requires licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

Advice to drivers when carrying disabled passengers

Taxis are an important, and sometimes the only means of transportation for many disabled people.

It is important to remember that disabilities are not always visible. It may not be immediately obvious to you that the person has a disability or special requirements. Physical access for people who use wheelchairs is obviously important but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by disabled people is very important.

Vehicles, streets, the built environment and your operating practices, can all provide obstacles for disabled people. Never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

The following is some basic advice to assist you in giving the best service to your passenger.

Wheelchair Users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Make sure that the brakes of the wheelchair are on during the journey.
- Secure the wheelchair with clamps or straps and suggest that the passenger uses the seat belt provided. You may also need to assist them with the seat belt.
- Avoid sudden braking or acceleration. Be careful when going over speed humps etc.
- Ensure that they travel forwards or backwards and never travel sideways in the vehicle.

Consider asking the passenger to move to a safer or more accessible pick-up/drop-off point nearby

These are important safety rules that apply to all wheelchair users whether manual or powered wheelchairs and you will need to carry out your own risk assessment to decide if it is safe to load and unload the passenger safely and

whether you can do it on your own or need assistance from another driver. If you do need assistance the passenger will need to pay for both vehicles.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled people

Whilst some disabled people may use crutches or sticks, many who have mobility difficulties, will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, (as in purpose built London type hackney carriage vehicles) make sure it is locked back in position once inside the vehicle.

Blind or partially sighted Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping you just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.

- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.
- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs and other assistance dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry an assistance dog without an exemption certificate is an offence under the Equality Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

People with learning disabilities

In Brighton & Hove there is a scheme called Thumbs Up which includes ten tips for providing good customer service to people with learning disabilities. This is what you should be doing:

- Listen to what the person is saying
- Give the person extra time
- Use plain English that avoids jargon
- Use pictures as well as writing
- If the person has a carer, talk to the person rather than the carer
- If the person asks for help, show them as well as tell them
- Not ignore bullying – Do your best to help if you think someone is being bullied
- Offer good customer services – If you notice someone may need extra help, offer it. For example with shopping bags and making sure the person is safely inside their destination will always be appreciated. People with learning disabilities may also require assistance understanding money
- Offer help with access if we think someone needs it
- Do your best to make your service accessible to people

Maintenance of Vehicles

- Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

The supplier, converter or manufacturer of wheelchair accessible vehicles to the taxis trade.

Date: 07 November 2013
Ref: WAV vehicles
Phone: (01273) 294429
Fax: (01273) 296655
e-mail: hco@brighton-hove.gov.uk
stephanie.powell@brighton-hove.gcsx.gov.uk

Dear Sir or Madam:

RE: Wheelchair Accessible Vehicles

I understand that you are the supplier, converter or manufacturer of wheelchair accessible vehicles to the taxis trade.

We are currently looking at our accessibility policies for taxis and recently held a taxi demonstration day for our local disability group to look at the various wheelchair accessible vehicles available. We found a number of access difficulties and conflicts between various accessible vehicles, individual impairments and wheelchair models. For instance we found that two manual wheelchairs could not fit into the Peugeot Premier or the VW CaddyMax despite being what we assumed were fairly compact chairs and not particularly oversized.

Our local disability group has also requested that we only licence vehicles with single ramps and in particular rear loading vehicles. However, we were informed that the Ford Torneo & Renault Traffic is only supplied with parallel ramps which are unsuitable for many powered wheelchairs.

To help us assess the many types of vehicle available it would be very useful for any vehicles that you supply, convert or manufacture if you could explain

- (a) What wheelchairs each of your vehicles is designed for, ie The London Cab for the reference wheelchair, the invicta, harrier or badger wheelchairs etc.
- (b) what wheelchairs can be accommodated by these vehicles
- (c) if any of your vehicles are available as electric or low emission vehicles
- (d) which vehicles are able to load wheelchairs from the rear, side or both
- (e) is a swivel seat available
- (f) Which vehicles can only have parallel ramps and if so why?
- (g) What, if any, type of crash testing and safety testing have your vehicle modifications been subject to



Planning & Public Protection

Hackney Carriage Office
Hove Town Hall
Norton Road
Hove
BN3 3BQ

We would also be interested to know what liaison goes on between wheelchair designers, manufacturers and vehicle converters at the design stage.

Thank you in advance

Yours sincerely

Cllr Stephanie Powell
Chair, Licensing Committee
Disability Champion

Response from Warnerbus

Good afternoon Stephanie,
Warnerbus supplies many different vehicles for Care Homes, Charities, Local Authorities and Passenger Transport Associations (some taxis). In short, we would visit each individual project to determine correct vehicle is Specified to meet that individuals needs. We supply all OEM vehicles on a best fit solution for that particular Service. Our website would give you some guidance but not a definitive answer to many of your questions. There is not a one conversion fits all solution, hence we bespoke build for each customer. For your information, we would not supply a Renault Trafic with parallel ramps, this vehicle would have an internal tail lift and a high roof. An entry slope of 12 degrees would be maximum for a ramp of any kind, let alone 2 separate telescopic ramps. In answer to your listed questions :

- a) All vehicles would be suitable for a forward facing wheelchair complete with tie downs, passenger 3 point belts and most importantly Type Approved by VOSA.
- b)The list is too long and combinations too great to list as wheelchairs and vehicles.
- c)Electric vehicles are currently unsuitable for wheelchair transportation.
- d)All the vehicles we supply are rear loading.
- e) Tip and turn seats and swivel seats are available
- f)We would not recommend parallel ramps for any vehicles. Risk assess this method of loading and unloading wheelchairs.
- g)All our conversions are fitted with the highest standard components, having been Tested and verified by the VCA and VOSA.

Our suppliers / Manufacturers are in constant dialogue with wheelchair Manufacturers to ensure absolute safety during transportation.

I hope this helps you with your task.

Many Thanks

ABWallis

Andrew Wallis
Director
Warnerbus
ISO9001:2008 accredited

Response from London Taxis

(a) What wheelchairs each of your vehicles is designed for, ie The London Cab for the reference wheelchair, the invicta, harrier or badger wheelchairs etc.

(b) what wheelchairs can be accommodated by these vehicles

(c) if any of your vehicles are available as electric or low emission vehicles
We do not currently retail a low emission or pure electric vehicle. As a company we are investigating which low carbon technology is most suited to a taxi, in-line with our new chairman's commitment to Vince Cable to invest over £100,000,000 in a brand new low CO2 vehicle. Indicative timing for the introduction of this purpose built taxi is circa 2018.

(d) which vehicles are able to load wheelchairs from the rear, side or both
The London Taxi is designed only to load wheelchairs from the side, purely for safety reasons so as not to put the passenger or the driver in a dangerous position on the road with traffic approaching them from behind and out of their vision.

(e) is a swivel seat available

A swivel seat is fitted as standard to all London Taxis regardless of model or price.

(f) Which vehicles can only have parallel ramps and if so why?

We only have a one piece fold out ramp with the extension in the boot of all vehicles should the wheelchair need to be loaded from the road and not the kerb.

(g) What, if any, type of crash testing and safety testing have your vehicle modifications been subject to

Our vehicle is a purpose built taxi hence has not been modified in any way to achieve crash test or vehicle safety compliance. The TX4 taxi is approved to the full requirements of EU whole vehicle type approval, including all the crash & safety requirements that apply.

Paul Kelsey
London Taxis

Response from Minibus Options

Thank you for the enquiry.

All of our conversions are bespoke and all provide wheelchair access through the rear doors. Where wheelchair access is using a ramp (rather than a tail lift) this is mounted permanently inside the rear doors, it is hinged and folds in two as it stows.

We do not supply (parallel) channel ramps on any vehicles.

We do not provide advice on the amount of space required for any particular model of wheelchair, but would point out if the amount of space requested seems too small. Some vehicles have one or more permanent wheelchair spaces, while most will have removable or folding seats to create space for the wheelchair/s.

Any of our vehicles could accommodate very large wheelchairs, providing the customer so requested.

All vehicles, once built, are submitted for M1 Type Approval assessment. All the internal equipment – seats and wheelchair equipment – is thoroughly tested and certified.

I think you will find that Unwin Safety Systems carry out a lot of R&D with wheelchair designers.

Best regards

Steve Moore
Minibus options

