

Summary of Responses to Hackney Carriage and Private Hire Licensing Policy

Consultee	Observations (inc. Section)	Comment / Action Taken	Amendments to Licensing Policy
Melvyn Day Tiny's Taxis Ltd	Opposition to the de-zoning of North Herts (s 2.1)	Due to the complex nature of the issue of whether or not to retain or remove zones, no recommendation has been made; it is for the Committee to consider all the arguments and reached a balanced decision based on the evidence	None
	Concern over the requirement to display an internal licence plate and the vague wording of the policy (s 2.7.1)	Concerns exist that the public do not always look at the rear of the vehicle for the vehicle licence details and it may be beneficial to display an internal plate; Policy is worded as "may be required" to allow flexibility in making this decision	None
	Suggestion to include the option of a full year licence for new vehicles rather than a licence up until the vehicle's first anniversary (s 2.11.1)	Understand the logic behind the comment however it would be more practicable to issue a shorter initial licence up until the first anniversary so that subsequent annual licences and MOT's run in parallel.	None
	Concern that the Council's failure to process applications in time may lead to loss of income for drivers (s 2.11.3)	Policy states that the Council may take up to 5 working days to issue a licence; if 5 working days notice are given and all the requirements are met a licence must be issued so the driver can continue working	None
	Concern over the tinted glass restrictions being too prohibitive (s 2.12.8)	Policy reflects legal requirements	None
	Suggestion that garages should be exempted from private hire legislation for customer transport	Legislation does not provide for exemptions; its either private hire or its not	None
	Concern that the Policy seems to suggest that dual hackney carriage / private hire badges will no longer be available (s 3.1.2)	Dual badges will still be available	Wording amended to clarify this point
	Concern that the level of geographic knowledge needed if zones are removed would be prohibitive to new drivers (s 3.3.1)	If zones are removed, knowledge tests will be based on the area in which the driver proposes to ordinarily work. If complaints are received about a driver's lack of knowledge, an enforcement tool would be a further geographical knowledge test based on the area that the complaints were from.	None

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Melvyn Day Tiny's Taxis Ltd	Concern that a driver may have to re-take the DSA test if he does renew his licence prior to expiry (s 3.4.4)	DSA test only needs to be passed once unless a further test is requested as a result of complaints concerning the driver's standard of driving	Wording amended to clarify this point (new para 3.4.6)
	Suggestion that any enhanced CRB disclosure should be accepted by the Council irrespective of which body obtained it (s 3.6.3)	The Council is not permitted to view CRB disclosures obtained by other bodies; a specific hackney carriage/private hire CRB disclosure must be obtained on behalf of the Council	None
	Concern over the requirement for an ISA check in addition to an enhanced CRB disclosure (s 3.6.10)	The Government have suspended the introduction of the ISA check but the Policy allows for its future introduction	None
	Suggestion that a driver that fails to renew his licence on time should be allowed up to 1 year's grace before being treated as a new driver but have a fine imposed for late renewal (s 3.9.3)	There is no provision in law for renewing a licence after it has expired and so failure to renew on time must be treated as a new application and meet the Policy requirements. There is the opportunity to apply for a departure from policy exemption to some of the requirements in exceptional circumstances, however, the licence is the driver's authorisation to work and it is their responsibility to ensure it is renewed on time. Charging a penalty fee as suggested would not be possible as all charges should only reflect the cost of administration and enforcement.	None
	Is this section worded correctly that you cannot attach conditions to a hackney carriage driver's licence ? (s 3.10.1 - s 3.10.3)	Yes	None
	Suggestion that 7 days is too short notice to advise Council of any convictions (s 3.11.2)	This has worked effectively for the past 3 years of the Policy. Failure to meet the deadline due to holiday or other exceptional circumstances can be taken into account by the licensing officer on a case by case basis.	None
	Suggestion that Private Hire Operators' Licences should be issued for a period of 5 years in line with DfT Best Practice Guidance. (s 7.5.2)	Concern that 5 years is a long period of time but insufficient evidence to depart from DfT Best Practice Guidance.	Policy to be amended to reflect a 5 year licence

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Melvyn Day Tiny's Taxis Ltd	Concern over the requirement to disclose all previous driving convictions particularly where spent or if a driver has had many convictions (s 3.14.1)	In considering the 'fit and proper' test, which should be considered at every grant and renewal, all relevant information should be available to the decision-maker. Policy does allow for the Council to enter into a checking arrangement with the DVLA for all driver's licence applications with the cost borne by the applicant. This would then remove the requirement for an applicant to recall all previous convictions. New Convictions Policy does deal with applicants that have had multiple past driving convictions.	None
	Suggestion of a new discretionary £5 booking fee to cover 'dead mileage' for hackney carriages (s 8.2)	Legislation does not permit for discretionary charges; hackney carriages should use the agreed meter tariff from the commencement of the journey as clearly stated in the Policy. Private hire vehicles can be sent to cover 'dead mileage' journeys as they have no meter and a price can be agreed to cover the additional 'dead mileage'	None
	Concern that hackney carriage drivers are parking in places other than official ranks and plying for hire. (s.10.3)	Hackney carriages may park and ply for hire where any member of the public may lawfully park. The Policy could be used to restrict this practice however it would conflict with the practice of removing night-time economy patrons from the towns in the most efficient manner. Additionally, with insufficient rank spaces already, hackney carriages would need to continually drive around the town contrary to the Council's 'green issues' strategic objective.	None
	Suggestion that any minor amendment is referred to the Trade Forum for agreement prior to implementation (s 12.3)	Policy amendments are a matter for the Portfolio Holder within the confines of s 12; he would be able to consult with the Forum if he wished.	None

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Melvyn Day Tiny's Taxis Ltd	Suggestion that the Policy could be simplified to remove the necessity for shorter licence periods where a vehicle is approaching the 5 year or 7 year maximum age for licensing (sA3.2.4 and 2.11.1)	The 7 year cut-off point for licensing has been carefully chosen and should not be open to extension for mere convenience to the trade. If a vehicle only has 2 months before it reaches the maximum age for licensing it should only have a 2 month licence not a 6 month licence effectively ignoring the maximum age policy.	None
	Suggestion that the minimum interior height requirement should be set as an absolute measurement not a recommendation (s A7.1)	Agreed, this would remove any uncertainty over the required distance.	Reference to 'recommendation' removed from wording
	Suggestion that it is not appropriate for licensed vehicles to carry fire extinguishers (s A11.1)	It is not unreasonable to expect public-carrying vehicles to have a fire extinguisher available; there is no compulsion on the driver to use it. As the vehicle is the driver's place of work, a fire extinguisher should be supplied under H & S legislation.	None
	Suggestion that the requirement for roof mountings to be fitted on the forward half of the vehicle is restrictive (s A18.1.3)	Agreed, there is no evidence to support this restriction.	Reference to 'forward half of the vehicle roof' amended to vehicle roof
	Suggestion that any internal advertisement has the opportunity to obstruct the driver's view so reference should be amended to 'unduly obstruct' (s A19.6)	Signage such as 'no smoking' signs and tax disc are compulsory and should be positioned where they least affect the driver's view. Internal advertising is not compulsory and so should be positioned where it does not obstruct the driver's view in any way.	None
	Suggestion that a meter cannot be positioned so that it can be seen by all passengers at all times (s A21.1.2)	This section is designed to pre	None
	Suggestion that 24 hours notice is too short and 72 hours would be more acceptable (s A28.2)	Policy states '24 hours or such other time....' There will be occasions when 24 hours is appropriate such as an insurance query.	None

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Melvyn Day Tiny's Taxis Ltd	Suggestion that a meter cannot be positioned so that it can be seen by all passengers at all times (s A21.1.2)	This section is designed to prevent driver's from placing the meter in positions that would make it difficult to be viewed by passengers, for example the side of the driver's footwell. It is accepted that passengers travelling in the rear of a vehicle may need to move to view the meter on occasions where the passenger / driver seat obstructs their view.	None
	Suggestion that a temporary licence is issued rather than a vehicle transfer when a vehicle is off the road for repair (s A30.3)	A temporary vehicle would still have to meet the new vehicle requirements as with a vehicle transfer. Having a temporary licence as well as the existing licence gives rise to an avoidable risk of both licences being used at the same time.	None
	Concern over the knowledge test requirements if zoning is removed and the effect on driver recruitment. (s C3.2.1)	If zones are removed, knowledge tests will be based on the area in which the driver proposes to ordinarily work. If complaints are received about a driver's lack of knowledge, an enforcement tool would be a further geographical knowledge test based on the area that the complaints were from.	None
	Suggestion that the pass mark for the written knowledge test should be reduced from 25/50 to 22.5/30 to assist driver recruitment (s C3.2.2)	Reducing the pass mark would potentially reduce the standard of new driver's knowledge. The stated purpose of the Policy is to maintain the existing high standards and protect public safety. Lowering the pass mark would not promote these objectives.	None
	Suggestion of a typo in the last sentence of s 3.2	Agreed	Remove first 'a' in the last sentence of s 3.2
	Suggestion that the inclusion of a meter in a private hire vehicle should not preclude agreed fares (s E3.3)	If a meter is fitted in a private hire vehicle it should be used to avoid confusing the public. Alternative is to prohibit meters in private hire vehicles.	None

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Melvyn Day Tiny's Taxis Ltd	Suggestion that the inclusion of a meter in a private hire vehicle should not preclude out of District agreed fares (s E3.4)	If a meter is fitted in a private hire vehicle it should be used to avoid confusing the public. Alternative is to prohibit meters in private hire vehicles.	None
	Suggestion that lost property should only be taken to the Police if it is of significant value as opposed to an odd glove, bag etc. (s E5.1)	It is difficult to quantify when property should be taken to the Police. If discretion was allowed for licence holders, what would happen to the property if it was not claimed after a period of time ? All unclaimed property should be passed to the police after a week as withholding it may be deemed to be theft.	Wording amended to reflect 7 days as opposed to 48 hours.
	Suggestion that a driver should have a right of appeal against an officer's decision under the Dress Code for Licensed Driver section (s G2)	The Head of Service should not be engaged in discussions as to the suitability of a driver's clothing. Officers operate under supervision and are capable of making this decision. The right of appeal to the Head of Service is available if a driver accumulates sufficient penalty points to be considered for suspension or revocation.	None
	Penalty points on page 82 need to reflect the amendment to s E5.1	Agreed	Wording amended accordingly
Muktar Thind Boxalls Taxis	Opposition to the de-zoning of North Herts (s 2.1) for the following reasons: (i) knowledge test implications and the difficulty in recruiting new drivers; (ii) all vehicles being in one town when needed in another; (iii) existing 2-way radio will not cover the whole of the District; and (iv) insufficient rank spaces	Due to the complex nature of the issue of whether or not to retain or remove zones, no recommendation has been made; it is for the Committee to consider all the arguments and reached a balanced decision based on the evidence. In response to specific points: (i) see comments above; (ii) for the companies to manage their drivers; (iii) accepted, however, no need to change the way companies currently operate; and (iv) supply and demand should result in appropriate coverage throughout the District	None
	What is the wording of the 'replacement vehicle policy' (s 2.11.4)	Explained in s 2.11.4	None

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Muktar Thind Boxall Taxis	Suggestion that s 8.1.3 should refer to 'zone' not 'District' and includes hackney carriages for the first time.	Policy A (zones) correctly refers to Zone; Policy B (no zones) correctly refers to District. Hackney carriages have always been included in this part of the Policy as provided for by the legislation	None
	Suggestion that the requirement for roof mountings to be fitted on the forward half of the vehicle is restrictive (s A18.1.3)	Agreed, there is no evidence to support this restriction.	Reference to 'forward half of the vehicle roof' amended to vehicle roof
	Suggestion that the knowledge test questions should be more targeted at Policy relevant to drivers rather than Policy relevant to operators (s C3.2.1)	Agreed, this is more procedural than Policy and changes have now been made to knowledge tests to reflect this request	None; tests already amended
	Suggestion that there should be a minimum period in which a driver is a licensed hackney carriage driver employed by a company before being allowed to own their own hackney carriage (s C4)	The principle is worth consideration to ensure a driver gains a period of experience working for an experienced company prior to owning his/her own vehicle(s). This would be a significant Policy amendment and no recommendation is made to the Committee who should consider the proposal on its merits.	None
	Concern that the requirement for conference style seating has been removed from Appendix K.	No amendments to the existing Appendix have been proposed.	None
Terry Priddle Self-Employed	Opposition to the de-zoning of North Herts (s 2.1)	Due to the complex nature of the issue of whether or not to retain or remove zones, no recommendation has been made; it is for the Committee to consider all the arguments and reached a balanced decision based on the evidence	None
Pat Perryman Butlers Car Services	Concern that the section limiting the Policy to a 3 year period has been removed	Agreed, the proposal is that the Policy is kept under constant review but has a life of a maximum of 5 years as with other non-statutory policies.	New section 1.5 added entitled 'Policy Duration'
	Concern over the delay between application and fee being received and a licence being issued (s 2.11.1 to 2.11.5)	Policy (s 2.11.3) gives a commitment that a licence will be issued within five working days of receipt of all documentation and fee	None

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Pat Perryman Butlers Car Services	Concern over the introduction of internal signage (s 2.7.1)	This section allows the introduction of an internal licence plate if deemed necessary; currently the public do not always notice the licence plate on the rear of the vehicle and are more likely to notice an internal licence plate	None
	Concern over the wording of s 3.2.3	S 3.2.3 should state that a 'backing sheet' is required prior to a hackney carriage / private hire licence being issued not within 12 months of issue as currently stated	Wording amended to require a backing sheet prior to obtaining a hackney carriage / private hire drivers licence
	Concern over the requirement to disclose all previous driving convictions particularly where spent or if a driver has had many convictions (s 3.14.1)	In considering the 'fit and proper' test, which should be considered at every grant and renewal, all relevant information should be available to the decision-maker. Policy does allow for the Council to enter into a checking arrangement with the DVLA for all driver's licence applications with the cost borne by the applicant. This would then remove the requirement for an applicant to recall all previous convictions. New Convictions Policy does deal with applicants that have had multiple past driving convictions.	None
	Concern that the Policy no longer provides for a reminder letter to be sent to Private Hire Operator Licence Holders prior to expiry date (s 7.5.3)	Reminder are given for drivers and vehicle owners, so operators should be offered the same service	Wording amended to include a reminder prior to expiry (para 7.5.4)
	Concern that the fee structure should be different for each zones, in particular Royston that has no official rank (s 9.1.4)	The cost of enforcement is the same in Royston as those zones with ranks. Whilst there are no issues with the rank as such, enforcement is more widespread as officers have to monitor unofficial ranks.	None

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Pat Perryman Butlers Car Services	Concern that only 3 attempts at a knowledge test are allowed in a 12 month period (s C3.3.2)	3 attempts is deemed reasonable in testing an applicant's knowledge to become a licensed driver. Allowing continual testing will not achieve the same high standard as an applicant that is sufficiently knowledgeable to pass the test and an applicant will eventually re-sit a previously failed test.	None
	Concern that s D3.8 suggest that a single insurance offence will not be taken seriously by the Council	S D3.8 is worded in such a way that a single insurance offence would not <u>automatically</u> preclude an applicant as it could have been 20/30 years ago or there may have been genuine mitigating circumstances. The Conviction Policy is a guide, however, and a single insurance offence will be considered on its merits and may preclude an applicant	None
	Concern that a timescale needs to be added in respect of the penalty points issued for non-return of a licence plate under s 58(2) of the LG(MP)A 76	Timescale is 7 days as set by the legislation	None
	Concern that the penalty points for performing a U-turn on Bancroft have been removed	The points are still in the Policy but have just moved location in the Policy	None
	Concern over the de-zoning of North Herts (s 2.1)	Due to the complex nature of the issue of whether or not to retain or remove zones, no recommendation has been made; it is for the Committee to consider all the arguments and reached a balanced decision based on the evidence	None
	Suggestion that an additional nominated MOT testing station be introduced by the Council to reduce long distance journeys for testing	Policy s 2.6.4 allows the opportunity to expand the number of nominated testing stations where necessary	None
	Concern over the interpretation of the wording of s C1.3	Agreed that the wording is open to subjective interpretation	Wording amended to remove subjectivity

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Giovanna Silverio NHDC Licensing	Concern that applications for renewal are being received and processed where an applicant's CRB has previously expired and a current CRB has been applied for but not received	S 3.6.3 and s C2.3 of the Policy make it clear that no application (grant or renewal) will be considered unless accompanied by a CRB which is less than 3 months old.	Strict enforcement of this section of the Policy is necessary by Officers. Wording of s C5.2 amended to reflect this
Peter Carey NHDC Environmental Health	Suggestion that a 'stop smoking' course would be a beneficial alternative to formal action such as a FPN or penalty points for first time offenders found to be smoking in a licensed vehicle.	This approach is supported by Hertfordshire PCT and Hertfordshire Trading Standards and would offer potential health benefits to offenders as opposed to formal sanctions. Timescales would have to be set for completion of the course and further offences would then be treated formally as the educational approach would have been unsuccessful.	New s I2.3.3 added to offer the alternative of a 'stop smoking' course for first time offenders as an alternative to a FPN or penalty points.
Anthony Roche NHDC Legal	Has the 1976 Act been adopted by the Council (it is required to be)?	Adopted by Council on 21 November 1978 (minute 569(a))	None
	Throughout the policy licence plates are referred to. The definition should be made clearer to distinguish from the vehicle registration plate.	Already included in 'Definitions'	None
	All defined terms should be capitalised throughout the Policy ie Licence Plate not licence plate etc	Agreed	Policy amended
	I would suggest removing the image from the front, unless you have the specific permission of the people pictured, and the photograph taker, for use of the image. Alternatively obscure the registration numbers in the photographs.	Images have been removed from other policies	Image removed
	It is suggested that you state when the policy will next be reviewed. (s 1.2.4)	Agreed, the proposal is that the Policy is kept under constant review but has a life of a maximum of 5 years as with other non-statutory policies.	New section 1.5 added entitled 'Policy Duration'
	Insert the word "of" in the penultimate line ie "...the full range of enforcement..." (s 1.3.3)	Agreed	Policy amended
	Amend the second sentence to read "The licensing of all five separate zones is undertaken by..." (s 2.1.1 Option A)	Agreed	Policy amended
	It is considered that the purpose of this paragraph is unclear – is it trying to ensure that all cars comply (except for those covered by 2.4.2) or not? It is suggested that the following words be added to the end of the final sentence "...and all relevant equalities and disability legislation". (s 2.4.3)	It is a legal requirement to carry assistance dogs unless granted an exemption	Wording added to sentence

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Anthony Roche NHDC Legal	It is suggested that the following words be inserted after 2010 – "...and other legislation..." (s 2.4.4)	Agreed	Policy amended
	Consideration should be given to amending this paragraph which is inconsistent. The first sentence states setting age limits may be arbitrary and disproportionate. The appendices then go on to introduce different tiers of maximum age limits. A suggestion could be to insert the following sentence after the first sentence "The limits set by the Council in Appendix A paragraph 3 are considered necessary and proportionate to protect public safety and the other objectives of this Policy". (s 2.5.1)	Agreed	Policy amended
	It is suggested that a further sentence is added as follows "For ease of reference these are referred to as zones within the Policy to avoid confusion with the District as a whole. (s 2.1.1 Option A)	Agreed	Policy amended
	It is suggested that an additional paragraph 2.1.5 is added as follows "The zoning system did not apply to private hire vehicles which are licensed to operate in the District of North Hertfordshire and are therefore not affected by this change." (s 2 Option B)	Agreed	Policy amended
	Amend the final sentence to read "The reasonable and proportionate maximum age of vehicles set out in Appendix A reflects..." (s 2.5.4)	Agreed	Policy amended
	It is suggested that reference could be made to the Taxi Forum as a mechanism for raising awareness of environmental issues. (s 2.5.5)	Agreed	Policy amended
	Are Hybrid or Electric cars acceptable? Do they need to be referred to? (s 2.5.6)	They are acceptable but no specific reference is required	None
	Consider whether the word "should" in the final sentence be replaced by "must" (s 2.6.1)	Agreed	Policy amended
	In the second sentence replace "must" with "will". (s 2.6.5)	Agreed	Policy amended
	What happens if the timescale for repair of cosmetic damage is not complied with? It is suggested that this point is explicitly addressed. (s 2.6.5)	Agreed, clarification needed	Policy amended
	Start of second sentence "These test..." should be "These tests..." (s 2.6.6)	Agreed	Policy amended
	Final line – replace "Section" with "Appendix" (s 2.7.1)	Agreed	Policy amended
	It is suggested that reference be made to Appendix A, paragraph 19 for the detail on advertisements. (s 2.7.4)	Agreed	Policy amended
	Delete the comma after "required" at the end of the first line (s 2.8.2)	Agreed	Policy amended
	"merits" should read "merit" (s 2.10.1)	Agreed	Policy amended
It is suggested that you insert additional wording so that the final sentence reads "...if applications and supporting documentation are received..." (s 2.11.3)	Agreed	Policy amended	

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Anthony Roche NHDC Legal	It is suggested that the following additional wording be inserted at the end of the first paragraph "...and are therefore not offered by this Council". It is suggested that further clarification be added to explain what is meant by "vehicle transfers" as there are various references to transfers throughout the Policy which need to be distinguished. In the second paragraph it is suggested that clarification be given as to what happens at the end of the year ie is the vehicle then required to be wheelchair accessible? (s 2.11.4)	Agreed that suggested sentence is needed. The issue of continued WAV exemption is dealt with elsewhere in the policy	Sentence added as suggested.
	Replace "preventing" with "which prevents" (s 2.12.2)	Agreed	Policy amended
	It is noted that the vehicle cannot be used until it would meet the testing requirements. Who certifies that it would meet these requirements ie who signs it off? It is suggested that this point is explicitly addressed. (s 2.6.5)	Agreed, clarification needed that it is the nominated testing facility that gives authority to operate	Policy amended
	It is suggested that an explanation be given as to why the Council has an exclusive arrangement with one inspection facility, which is presumably to ensure consistency of approach as well as certainty of knowledge and experience. (s 2.6.4)	Agreed	Policy amended
	Should this definition be expanded to include paramedic cars? (s 2.18.1)	Paramedic cars do not convey passengers and so are exempt from licensing	None
	Add the following wording to the end of the second sentence "...unless otherwise stated." (s 3.1.1)	Agreed	Policy amended
	Amend the start of the paragraph so that it reads "The Council requires that separate..." (s 3.1.2)	Agreed	Policy amended
	Consideration could be given to the use of the word "high". It is suggested that the public safety objective be referred to within this paragraph as the reason to require the medical certificate. (s 3.2.1)	Agreed	Policy amended
	It appears from 3.4.4 that the requirement to obtain DSA is compulsory for new applicants. Therefore change the final sentence of 3.4.2 to read "An assessment of a driver's ability will, therefore, be required for all new applicants". (s 3.4.2)	Agreed	Policy amended
	In 3.4.3 replace "should" with "will"	Agreed	Policy amended
	Having checked the Council's website the list of professionally qualified drivers does not appear to be on the website (or is not easily found). It is suggested this be remedied. It is suggested that the final sentence be amended to read "...the Council publicises a list..." (s 3.4.5)	Agreed	Policy amended
	It is suggested that this section includes reference to the sanction if the council is not notified of a deterioration. Consideration could be given to including eye-sight related issues in the list of ailments. Amend the fifth bullet to read "sudden attacks of..." (s 3.5.3)	Agreed	Policy amended
	It is suggested that "are obliged to" is replaced with "must" (s 3.6.6)	Agreed	Policy amended

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Anthony Roche NHDC Legal	It is noted that the words "It is proposed..." are the same words used in the previous version of the Policy. Have these additional controls been introduced within the last 3 years? It is suggested that this needs to be reworded. The third sentence should read "...an additional CRB..." (s 3.6.8)	Agreed	Policy amended
	"parties" should be "party" (s 3.6.9)	Agreed	Policy amended
	It is suggested that wording be inserted to make the point that although the Council provides a reminder of the expiry of licences, this does not take the responsibility and liability for renewing away from the licence holder (ie if we forget to remind, that does not excuse them) (s 3.9.1)	Agreed	Policy amended
	It appears that existing drivers are not required to obtain the DSA qualification. If this is the case, should consideration be given to it being a condition (or enforcement measure) should there be concerns about a particular driver that this would address? (s 3.4)	Agreed, this should be included as an enforcement option	New paragraph 12.3.4 added
	Replace "Once" with "After" (s 3.9.3)	Agreed	Policy amended
	Reword the first sentence to read "...has passed if a valid..." (s 3.9.3)	Agreed	Policy amended
	"haven't" needs to be changed to "have not" (s 3.9.3)	Agreed	Policy amended
	The second sentence should read "All holders with expired licences will..." (s 3.9.3)	Agreed	Policy amended
	It is suggested that it is explicitly stated that all Private Hire Licences will be issued with these conditions attached. Are there any grounds on which exceptions might be made in whole or in part for a Private Hire Licence holder? If so, this should be referred to. (s 3.10.2)	Policy does make this clear	None
	Consideration could be given to moving this section next to the other sections dealing with convictions at 3.7 (s 3.11)	Agreed	Policy amended
	Insert additional wording so that it reads "...committed by licensed drivers in the course of their business or otherwise, it is..." (s 3.11.1)	Agreed	Policy amended
	It should be noted that informing the Council of the penalty within seven days of conviction may not be possible if the sentencing is deferred after conviction. Consideration should be given to including cautions as there also require an acceptance of guilt in the same way as fixed penalty notices (s 3.11.2)	Agreed that cautions are added.	Policy amended
	It is suggested that reference could be made to promoting the Code of Good Conduct through the Taxi Forum (s 3.12)	Agreed	Policy amended (para 3.12.5)
This section does not actually refer to the disciplinary hearings themselves. It is suggested that either the sub-heading be changed, or information about the disciplinary hearings be included. (s 4.2)	Agreed	Heading amended to Referrals to Head of HPPS	

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Anthony Roche NHDC Legal	Consideration should be given to including convictions in the list of serious disciplinary matters (s 4.2.2)	Convictions are dealt with by point (ii) of s 4.2.2	None
	Consideration should be given to the use of the word "prosecution". If it is intended that warnings and cautions be used for penalty point scheme transgressions, then this needs to be a different word as "prosecution" infers a criminal offence. (s 4.4.1)	Prosecution has been used in context of this paragraph	None
	Amend final sentence to read "Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable". (s 4.1.2)	Agreed	Policy amended
	In the second paragraph it is suggested that the reference to "further test" include "at the Council's nominated testing facility". (s 4.4.2(i))	Agreed	Policy amended
	There is no reference to the potential length of suspension. Is this deliberate in order to allow flexibility? If so it is suggested that reference be made to the length of suspension being a matter for the discretion of the Head of HPPS (s 4.4.2 (ii) and (iii))	Policy specifically written to allow for flexibility but reference to the Head of Service's discretion should be included	Policy amended
	Could this measure be coupled with a suspension in the interim? If so, this should be referred to. [It is acknowledged this is effectively a revocation so may not be an option] (s 4.4.4)	An existing licence could be suspended until its expiry date and then the application to renew could be refused	Policy amended
	Delete the word "Fortunately" (s 4.6.1)	Agreed	Policy amended
	There is a concern that the investigator also "reaching a decision" on the action to take may not be the most robust and defensible process and consideration might be given to the investigator making a "recommendation" for another to then make a decision. (s 4.6.3)	Agreed	Policy amended
	Add to the end of each sentence "and any matter specifically referred to within this Policy". (s 6.2.1 and s 6.3.1)	Agreed	Policy amended
	It is suggested that explicit reference be made to the Operators Licence being in addition to Driver's Licence and Vehicle Licence. (s 7.1.1)	Agreed	Policy amended
	It is suggested that the operator also be required to ensure that all vehicles have a licence (s 7.1.4)	Dealt with elsewhere in the Policy	None
	Consideration could be given to requiring, as an alternative, that a declaration be signed that the operator does not have premises that are open to the public. If this is added the penalty for breaching such a declaration would also need to be considered. (s 7.4.2)	Agreed	Policy amended
	It is considered that the meaning of the second sentence is not clear and should be reworded. (s 7.5.3)	Wording is as clear as possible, maybe an example would assist	Example added
Consideration could be given to requiring that proof of insurance for the new address be provided with notification of a change of operating address. (s 7.6.1)	Agreed	Policy amended	

Summary of Responses to Hackney Carriage and Private Hire Licensing Policy

Consultee	Observations (inc. Section)	Comment / Action Taken	Amendments to Licensing Policy
Anthony Roche NHDC Legal	Consideration could be given to reminding operators that they separately need to ensure they are complying with any planning or building regulation or other considerations with respect to the premises. (s 7.6)	Agreed	Policy amended
	Start the sentence with "Save for paragraph 8.1.3 above, these..." (s 8.1.6)	Agreed, remove reference to private hire vehicles from s 8.1.3	Policy amended
	Are there any grounds on which exceptions might be made in whole or in part for a Private Hire Operator Licence holder? If so, this should be referred to. (s 7.3.2)	No exceptions are considered; all licences are subject to all conditions	None
	Insert the word "voluntarily" between holder and surrenders. (s 9.3.1)	Agreed	Policy amended
	Consideration could be given to specifying that no refund is provided if the licence ends early due to disciplinary matters. (s 9.3)	Agreed	Policy amended
	[Linked to previous point about transfers at 2.11.4]. Clarification should be provided as to what transfers are referred to within this paragraph. (s 9.3.2)	Transfer refers to the transfer of a vehicle licence from one person to another	Policy amended
	Consider whether "impact" is more appropriate than "effect". It is suggested that the first two bullet points should also include reference to the public (s 12.2)	Agreed	Policy amended
	Amend so that this reads "...Portfolio Holder responsible for Housing and Public Protection..." (s 12.3)	Agreed	Policy amended
	Insert the word "currently" between is and based (s 13.2)	Agreed	Policy amended
	All defined terms should be capitalised (s 14)	Agreed	Policy amended
	Hackney Carriage is not defined	Agreed	Policy amended
	Private Hire Vehicle is not defined	Agreed	Policy amended
	Driver's Licence should defined to provide clarity between DVLA issued licences and the Council issued licence	Agreed	Policy amended
	Registered Medical Practitioner is not defined	Agreed	Policy amended
Best Practice Guidance – consider referring to potential subsequent guidance DIA – include reference to "and other legislation"	Policy based on current version Agreed	None Policy amended	
Elected Members – is this definition accurate? Should this not include Cabinet or LAC? (As I understand it this is a Cabinet approved policy and therefore why would this refer to Full Council?)	Agreed	Policy amended	
Portfolio Holder – include the wording used in the definition of Head of HPPS regarding restructure	Agreed	Policy amended	
For clarity it is suggested that bullet point be added with the maximum number of passengers allowed (s A1.5)	Agreed, the vehicle should carry no more than eight passengers	Policy amended	

Summary of Responses to Hackney Carriage and Private Hire Licensing Policy

Consultee	Observations (inc. Section)	Comment / Action Taken	Amendments to Licensing Policy
Anthony Roche NHDC Legal	It is suggested that you provide a justification for this position which could be viewed as arbitrary and disproportionate (s A2.1.1)	Agreed	Policy amended
	See previous comments regarding “transfers”. Clarification is needed. (s A2.3.1)	Transferred means subject to the replacement vehicle policy S 2.11.4	Policy amended
	I assume that the different maximum age of vehicles within these sections can be justified. (s A3.1.2 - A3.1.5)	The age limits are in line with other Councils	None
	The absence of a maximum age could be seen as inconsistent with A3.1.2 to A3.1.5. Again I assume this can be justified. (s A3.2.2)	No age limit as these vehicles historically travel less business miles	None
	It is suggested that this section be expanded as it currently provides no information to an uneducated reader as to what the Forum is, how it is constituted, what its purposes are, how often it meets, whether it is open to the public etc (s 11)	Agreed	Policy amended
	Is the requirement for four side opening doors reasonable. Have some of the older London style cabs only got three opening doors? It is suggested that clarification be given as to where the 137cm is measured – is this the width of the vehicle? This could be read as the distance between two handles on one side of the vehicle? (s A4.1)	Remove the 137cm measurement as it is impractical with modern vehicles and change the requirement for doors to 3 passenger doors for all vehicles.	Policy amended
	Measuring along the widest part of the seat is counter productive to ensuring passenger comfort (it is the narrowest part which has most potential for discomfort), but I assume this is included for good reason. (s A8.2)	Agreed, should be the narrowest part	Policy amended
	Insert the word “maximum” in the second sentence – “...state the maximum number of...” (s A10.2)	Agreed	Policy amended
	In the final line use an alternative word to one “appropriate” (s A12.1)	Agreed	Policy amended
	Consider whether the word “should” in the second line be replaced by “must” (s A15.3)	Agreed	Policy amended
	It is considered unclear whether this means no roof sign at all, or merely not a roof sign as set out in 18.1.1. It is suggested this be clarified (s A18.2.1)	No roof sign of any description is permitted	Policy amended
	Consider whether the word “should” in the final sentence be replaced by “must” (s A21.2.2)	Agreed	Policy amended
	Consider including a requirement that the hire company must have approved the use as a licensed vehicle (s A30.3)	Replacement vehicles are supplied by specialist companies	None
	The reference to Section 12 is considered inaccurate. Section 12 deals with amendments to the Policy which is not the same thing as a dispensation. (s A33.1)	Agreed, section 12 should read section 1.4	Policy amended
	At the end of the first sentence “to” should be “with” (s A1.2)	Agreed	Policy amended
The first line should read “...vehicles will be required...” (s B4.1)	Agreed	Policy amended	

Summary of Responses to Hackney Carriage and Private Hire Licensing Policy

Consultee	Observations (inc. Section)	Comment / Action Taken	Amendments to Licensing Policy
Anthony Roche NHDC Legal	It is suggested that the requirement to comply with the Original Manufacturers' Specification may not be the most appropriate test, given that the original specification will not have allowed for the increased size and weight of the enlarged vehicle. Should this instead refer to the SVA requirements? (s B2.6.1)	Agreed	Policy amended
	It is suggested that this specifically refer to the insurance policy having to cover use as a Hackney Carriage or Private Hire Vehicle (s C1.1(ii))	Agreed	Policy amended
	Consider whether to explain that the illumination should ensure that the vehicle be clearly identifiable to the public. If this is included consideration could be given to including that the illumination not be so bright as to cause a nuisance. (s A18.1.1)	Not considered to be an issue as external signage is obtained from professional taxi signage suppliers	None
	The third paragraph could also include reference to the plate being surrendered when the vehicle changes. (s C4.3)	Agreed	Policy amended
	Add the following wording to the end "since the date of the previous enhanced CRB certificate". (s C5.2.1 (ii))	Agreed	Policy amended
	The introduction and final paragraphs are not numbered. It is suggested that they are for ease of reference. (s D)	Not necessary	None
	The use of the word "may" in the second sentence is queried. A caution requires an admission of guilt and therefore why would it not be considered? (s D General 3rd para)	Agreed	Policy amended
	The paragraphs in the other Appendices are labelled A1, A2 etc. For consistency these should be labelled D1, D2 etc (s D)	Agreed	Policy amended
	It is suggested that there is a reference to drink driving being covered in section 4 as otherwise this appears to be omitted from major traffic offences. (s D3.6)	Disagree	None
	Amend so this reads "...indecent offence (other than a major offence – see 6.3 below) will normally..." (s 6.1)	Agreed	Policy amended
	Consideration should be given for including a paragraph relating to multiple offences, similar to 7.6 (s D8)	Not necessary	None
	It is suggested that you cross refer to paragraph 3.5 in the Policy (s E2.3)	Agreed	Policy amended
	Clarify whether you mean the DVLA or Council issued driver's licence (this could be resolved by better use of defined terms, as dealt with above) (s E4.2)	Agreed	Policy amended
Consideration should be given to including employee disciplinary records and a requirement to notify the Council of any internal disciplinary findings. (s H2.3)	The content of the list is prescribed by the legislation	None	

Summary of Responses to Hackney Carriage and Private Hire Licensing Policy

Consultee	Observations (inc. Section)	Comment / Action Taken	Amendments to Licensing Policy
Anthony Roche NHDC Legal	Other consents may also be required, for example building regulation and landlord. It is suggested that a line be added that "Other consents may also be required and it is the Operator's responsibility to ensure they have all necessary consents".	Agreed	Policy amended
	Should it read "grant or renew..." Should the option for adding further conditions to a PHV driver's licence be included as an enforcement option? (s 12.3.1 (i))	No such application as a 'renewal' despite it being used as a common term. All applications are either grant or refuse.	None
	There may be an inconsistency here, as the "exceptional hardship" arguments used in court could well have included that loss of driving licence would mean inability to work as a taxi driver and yet the Council may still remove. However the use of "will still normally" provides an opportunity to treat all cases on their merits and therefore this issue is flagged for awareness as opposed to suggested change. (s D3.7.2)	Noted	None
	It is suggested that reference be made to it being an offence to drive when the suspension is in place (s 15.4)	Agreed	Policy amended
	Should be "notification" not "notifications" (s 16.2)	Agreed	Policy amended
	Delete the word "legitimate" as this suggests that some of the requirements are not legitimate. (s 17.1)	Agreed	Policy amended
	Amend to read "...offence and where appropriate what needs..." (s 9.3 (i))	Agreed	Policy amended
	Amend to read "...contravened and where appropriate measures..." (s 19.3 (ii))	Agreed	Policy amended
	Is it possible to appeal against the award of points? If so, how? Consideration should be given to being explicit on this point. (s J2)	No right of appeal; mitigating circumstances considered as part of any formal action by Head of HPPS	Policy amended
	It is suggested that a time limit be placed on the validity of the medical examination (s 3.5.2)	Agreed	Policy amended
	Insert the word "maximum" in the second line ie "...for a maximum one-year..." (s 2.11.1)	Agreed	Policy amended
	Does the exception referred to also apply to (i)? This needs to be clearer (s A1.3 (ii))	Exception doesn't apply to (i)	None
	It is suggested that the wording of "prior to the introduction of this Policy" be changed as this is the second version of the policy and such wording is more appropriate in the first. (s B1.1 (ii))	Agreed	Policy amended
Amend the final sentence to read "The content of this appendix is not fixed and can be..." (s 2.1.4 Option A)	Agreed	Policy amended	

Summary of Responses to Hackney Carriage and Private Hire Licensing Policy

Consultee	Observations (inc. Section)	Comment / Action Taken	Amendments to Licensing Policy
Steve Cobb NHDC Licensing	An issue has arisen since the consultation has ended that needs addressing in the new Policy. Vehicles over 5 years of age are required to have six-monthly testing which historically has consisted of an MOT and an Engineer's Report. The Policy in its current format only requires an Engineer's Report however makes reference to six-monthly mechanical testing that can only be achieved through an MOT.	Because of the high mileage of licensed vehicles and the fact that they are carrying members of the public, there is justification in requiring a vehicle over 5 years of age to pass an additional MOT at six-monthly intervals.	Policy to be amended to require a six-monthly test to include an MOT and an Engineer's Report
Melvyn Day Tiny's Taxis	Concern over the requirement that existing licence plates should be returned when new ones are collected as the new plates are often collected before the existing plate expires	Agreed, expired plates should be returned within 7 days of the date of expiry	Policy amended accordingly