


Licensing Committee

(Non Licensing Act 2003 Functions)

Title:	Licensing Committee (Non Licensing Act 2003 Functions)
Date:	29 November 2018
Time:	4.00pm or at the conclusion of the preceding Licensing Act meeting
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: O'Quinn (Chair), Morris (Deputy Chair), Hyde (Opposition Spokesperson), Deane (Group Spokesperson), Bennett, Cattell, Cobb, Gilbey, Horan, Knight, Lewry, Marsh, Page, C Theobald and Wares
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk
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AGENDA

Part One

Page

8 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
- (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 Two of the Agenda states in its heading 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 exempt categories is available for public inspection at Brighton and Hove Town Halls.

9 MINUTES OF THE PREVIOUS MEETING

7 - 10

To consider the minutes of the meeting held on 28 June 2018 (copy attached)

10 CHAIR'S COMMUNICATIONS

11 CALLOVER

- (a) Items (12 – 18) will be read out at the meeting and Members

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

12 PUBLIC INVOLVEMENT

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

- (a) **Petitions:** to receive any petitions presented 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 the 23 November 2018;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 23 November 2018.

13 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

14 ANIMAL ACTIVITY LICENSING

11 - 88

Report of the Executive Director, Neighbourhoods, Communities and Housing (copy attached)

Contact Officer: Nick Wilmot

Tel: 01273 292157

Ward Affected: All Wards

15 HACKNEY CARRIAGE UNMET DEMAND SURVEY

89 - 222

Executive Director Neighbourhoods, Communities and Housing (copy attached)

Contact Officer: Jim Whitelegg

Tel: 01273 292438

Ward Affected: All Wards

16 HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS BLUE BOOK REVIEW – 5TH EDITION

223 - 394

Report of the Director, Neighbourhoods, Communities and Housing (copy attached)

Contact Officer: Jim Whitelegg

Tel: 01273 292438

Ward Affected: All Wards

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Report of the Executive Director, Neighbourhoods, Communities and Housing (copy attached)

Contact Officer: *Jim Whitelegg*

Tel: 01273 292438

Ward Affected: *All Wards*

18 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING 411 - 420

Report of the Director, Neighbourhoods, Communities and Housing (copy attached)

Contact Officer: *Jim Whitelegg*

Tel: 01273 292438

Ward Affected: *All Wards*

19 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to Council 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

PUBLIC INVOLVEMENT

Provision is 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 fourth working day before the meeting.

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We can provide meeting papers in alternate formats (including large print, Braille, audio tape or on disc, or in different languages) Please contact us to discuss your needs.

FURTHER INFORMATION

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

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

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Date of Publication - Wednesday, 21 November 2018

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 28 JUNE 2018

COUNCIL CHAMBER - BRIGHTON TOWN HALL

MINUTES

Present: Councillors O'Quinn (Chair), Morris (Deputy Chair), Hyde (Opposition Spokesperson), Bennett, Cattell, Cobb, Gilbey, Horan, Lewry, Marsh, Page, C Theobald, Wares and West

Apologies: Councillor Lizzie Deane

PART ONE

1 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 Councillor Pete West was present in substitution for Councillor Lizzie Deane.

(b) Declarations of Interest

1.2 There were no declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

2 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 1 March 2018 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair announced that following the decision to refuse renewal of Uber's Private Hire Operators Licence, Uber had appealed the decision and a pre-trial review date had been set for the 5th November 2018.
- 3.2 An implementation date for the new vehicle emission standards for 1st applications and replacement vehicles had been set for the 1st September 2018.
- 3.3 It was announced that BHCC was currently engaged with the taxi trade over the installation of electrical charging points within the City. It was clarified that presentations were given by Paul Richardson in recent Taxi Trade meetings establishing this area of technology was developing as an efficient and cost saving energy utility. It was stated that BHCC had secured funding for residential electrical charging points from the Government's Officer for Low Emission Vehicles (OLEV) and a report for the residential electric vehicles charging point report would be considered by the Environment, Transport and Sustainability Committee on the 26th June 2018. It was noted that BHCC were to install up to 50 black taxis free of charge which would be used to retrieve data and provide recommendations for charging points. It was confirmed that this installation would be used to launch a funding bid for the implementation of taxi rank electric vehicle charging points anticipated for March 2019.
- 3.4 Rebecca Sidell, Legal adviser to the Committee, gave a brief update regarding the appeals against refusal to grant Hackney Vehicle Licenses. She clarified that all relevant personnel had attended court prepared to give evidence however in light of the overwhelmingly strong case against them, their barrister convinced the appellants to withdraw their case with costs awarded to the Council. It was concluded that a deputation may come to the Licensing Committee in future.

4 PUBLIC INVOLVEMENT

4a Petitions

- 4.1 There were none.

4b Written Questions

- 4.2 There were none.

5 MEMBER INVOLVEMENT

4c Petitions

- 4.1 There were none.

4d Written Questions

- 4.2 There were none.

6 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 6.1 Martin Seymour, Hackney Carriage Officer, gave a brief overview of the report highlighted various points of information such as setbacks with staff having long term illnesses, there was an increase in enforcement work, most difficult cases would be brought to new members for discussion in regards to a course of action.
- 6.2 Councillor Cattell enquired what the rules in regards to satellite navigation were.
- 6.3 Martin Seymour confirmed that all taxi drivers had to sit the knowledge test, he further clarified that satellite navigation was used to begin the route however that in all cases, drivers would have adopted the shortest route to the destination.
- 6.4 Councillor Morris gave an example of having to provide directions for a taxi driver in the past.
- 6.5 Jim Whitelegg, Regulatory Services Manager, encouraged members to report any incidents.
- 6.6 The Chair enquired if train times were being worked around.
- 6.7 Martin Seymour confirmed that there was no specific report available yet but that efforts to monitor evening times were being made.
- 6.8 Councillor Page referred to page 13 and enquired if the 6 vehicles in Surrey Street could be a police matter.
- 6.9 Martin Seymour stated that the cars were stationary on the side of the road and that these had been cleared away, he emphasised that cars would move as soon as enforcement were present.
- 6.10 Jim Whitelegg stated that the parking enforcement contractor were to respond to complaints within the hour, he further clarified that Civil Enforcement Officers would be the ones to deal with parking. He responded to the specific situation by stating that this was a tough situation and gave an example of areas clearing once enforcement had arrived. He concluded by stating that he had written to all Hackney Carriage drivers setting out the parameters of acceptable practice and had noted an improvement as a result.
- 6.11 Councillor West, on behalf of Councillor Lizzie Deane, stated that officers were not attending inspections at the right hours; the reality was that taxis were congesting often and a lot. The Councillor enquired if measures were active or reactive as they did not particularly relate to residents. Finally a constituent's complaint regarding a licensed taxi fly tipping was given.
- 6.12 Jim Whitelegg stated that in regards to fly tipping, taxis could be provided with a fixed penalty notice by 3GS. He confirmed that he had not received any complaints from residents in regards to Surrey Street in roughly a year.

- 6.13 The Chair referred to page 15 and stated that the hours between 10am – 2pm were critical within the City and enquired if more were planned to conduct late night operations.
- 6.14 Jim Whitelegg confirmed that evening operations looked to be taking place later in the year however potential issues surrounding upcoming gigs remained.
- 6.15 **AGREED** - That Members note the contents of this report and that officers should continue to take action as appropriate.

7 ITEMS REFERRED FOR COUNCIL

The meeting concluded at 15:30pm.

Signed

Chairman

Dated this

day of

Subject:	Animal Activity Licensing		
Date of Meeting:	29th November 2018		
Report of:	Executive Director for Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Nick Wilmot	Tel: 01273 292157
	Email:	nick.wilmot@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All Wards		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To inform the committee of legislative changes to the licensing of Animal Activities.
- 1.2 The report sets out revised fees and charges to be implemented from 1st October 2018 based upon cost recovery in relation to the licensing of Animal Activities and sets out the delegation of authority for the granting, refusing, suspending or revoking of licences.
- 1.3 The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 come into effect on 1st October 2018.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the legislative changes to the licensing of Animal Activities.
- 2.2 That the Committee ratifies the fees and charges detailed in table 3.2.3.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 (to be referred to as 'the regulations' from this point on) came into effect on 1st October 2018. See Appendix 2.
- 3.1.1 The regulations will be the primary legislation for the licensing of the following animal activities;
- Animal Boarding (Catteries and Kennels)
 - Home Boarding of Dogs
 - Dog day care
 - Dog breeding
 - Riding establishments
 - Sales of animals (formerly pet shops)
 - Performing animals

3.1.2 The regulations amend or repeal the following legislation:

- The Breeding of Dogs Act 1973 – Repealed
- The Breeding of Dogs Act 1991(b) - Repealed.
- The Pet Animals Act 1951 – Amended
- Breeding and Selling of Dogs (welfare) act 1999 – repealed
- Riding Establishments Acts 1964 & 1970 – amended
- Performing Animals (Regulation) Act 1925 – Amended
- Animal Boarding Establishments Act 1963 – Amended
- Local Government Act 1974 – Amended
- Dangerous Wild Animals Act 1976 – Amended
- Zoo Licensing Act 1981 – Amended

3.2. FEES and CHARGES

3.2.1 The fees and charges are locally set based upon full cost recovery, the regulations state:

A local authority may charge such fees as it considers necessary for—

(a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,

(b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,

(c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and

(d) the reasonable anticipated costs of compliance with regulation 29*.

3.2.2 Regulation 29. Provision of information to the Secretary of State

(1) Each local authority must provide the following information to the Secretary of State in writing for the purpose of assisting the Secretary of State to carry out the review in accordance with regulation 28

(a) the number of licences in force for each licensable activity in its area on each reference date, and

(b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.

3.2.3 Current fees and charges and new charges based on cost recovery are detailed in table 3.2.3. Application fees have been calculated on the estimation that there are 100 businesses in the city that will come within the scope of the regime. If there are significantly more or less than 100 the fees will have to be reviewed.

3.2.4 Part A is to cover the cost of the application process and part B is the cost of running the enforcement and licensing regime if the application is successful.

Table 3.2.3 Animal Welfare Licence Fees

Licence Type	Application Fees wef 1/10/18			Vets Fees *
	Part A	Part B	Total	
Dog breeding (Dom)	£145.00	£130.00	£275.00	A recharge to the licensee of the cost to the Authority
Dog Breeding (Comm)	£180.00	£135.00	£315.00	
Dog Boarding (Dom)	£130.00	£120.00	£250.00	
Dog Boarding (Comm)	£180.00	£135.00	£315.00	
Cat Boarding	£135.00	£125.00	£260.00	
Dog Day Care	£130.00	£130.00	£260.00	
Exhibition of animals	£180.00	£135.00	£315.00	
Hiring horses	£205.00	£140.00	£345.00	
Pet vending	£145.00	£130.00	£275.00	

* where applicable

Variation / Transfer of Licence	£105.00	
Appeals / site visit	Price on application	

Licence Type	Application Fee to 30/09/18
Domestic Animal Boarding	£255.00*
Commercial Animal Boarding	£510.00*
Dangerous Wild Animals	£255.00
Dog Breeding	£510.00*
Pet Shops	£510.00*
Performing Animals	£255.00
Riding Establishments	£510.00*

*Includes vet fees

3.3 THE REGIME

All animal activities, as set out in 3.1.1 above will be subject to the same regime. Conditions are nationally set for each defined activity as contained within the regulations.

3.4 THE REGULATIONS

3.4.1 Changes from the Current Scheme:

- a) The majority of animal related licensing will now be administered under one regime.
- b) Introduction of a star rating system. See Appendix 1 for a copy of Defra's 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018- Procedural guidance notes for local authorities, July 2018' for further details.
- c) Officers undertaking inspections must be suitably qualified. See page six of Appendix 1 for further information.
- d) The definition of dog breeders is reducing the number of litters per annum from five to three and/or will include anyone selling for a profit.
- e) Pet shops will no longer be premises based only and will include animal sales online.
- f) Dog Day Care has been clarified to be a licensable activity.
- g) The introduction of one, two and three year licences based upon compliance history, star rating and associated risk.
- h) Introduction of statutory returns to the secretary of state.

3.4.2 Conditions

All licence conditions are nationally set and are contained within the regulations. The conditions relate to the activity being applied for under the licensing regime. The general conditions to be applied to all licences are contained within Schedule 2 of the regulations. Activity Specific conditions are contained within Schedules 3 – 7 of the regulations.

3.4.3 The Star Rating System

Within the regulations is a star rating system to allow customers to see how businesses preform against the regulation standards. The star rating will be issued by the inspecting licensing officer/animal specialist. See Appendix 1 for details.

3.4.4 Appeals Against Star Ratings

National guidance states:

To ensure fairness to businesses, local authorities must have an appeal procedure in place for businesses to dispute the star rating given in respect of their business. The appeal procedure is relevant where the business wishes to dispute the star rating given as not reflecting the animal welfare standards and risk level of their business at the time of the inspection. This should not be used if the business has made improvements to their business and wishes to be reassessed – in this case, they should apply for re-inspection. See Appendix 1 for further guidance.

3.4.5 Period of Licence

A local authority may grant or renew a licence—

(a) for a period of one, two or three years in respect of the activity or any part of the activity described in paragraph 2, 4, 6 or 8 of Schedule 1 if it is satisfied that a period of one, two or three years, as the case may be, is appropriate on the basis of its assessment, having regard to such guidance as may be issued by the Secretary of State, of—

(i) the risk of an operator breaching any licence conditions;

(ii) the impact on animal welfare of any such breaches; and

(iii) whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions;

(b) for a period of three years in respect of the activity or any part of the activity described in paragraph 10 of Schedule 1 namely Keeping or training animals for exhibition The scoring matrix shown in 3.5.1 above demonstrates how the length of licences will be determined.

3.5 DELEGATION and AUTHORISATION

3.5.1 Delegation of powers is proposed as set out below:

a) Granting and renewal of a licence – delegated to Officers.

b) Refusal of a licence – delegated to officers. Appeal of the council's decision to be heard by First Tier Tribunal.

c) Suspension or variation of a licence – delegated to officers to be authorised by Team Leader or above.

d) Revocation of a licence – delegated to Officers.

3.5.2 Within the regulations is a star rating system to allow customers to see how businesses perform against the regulation standards. The star rating will be issued by the inspecting licensing officer/animal specialist. Any appeal against the star rating assigned to the business will be dealt with by the Animal Warden Team Manager or Head of Safer Communities.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

None

4 COMMUNITY ENGAGEMENT & CONSULTATION

All current licence holders have been advised of the changes.

6. CONCLUSION

- 6.1 The changes are detailed in the report. The national guidance produced by Defra, which the Council must have regard to is specific and detailed.
- 6.2 Fees and Charges have been calculated on a cost recovery basis.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1

Financial Implications:

The fees and charges have been calculated on a full cost recovery basis and activity will be closely monitored to ensure that they are set at the correct level. Actual income for 2017/18 for Animal Welfare licensing was £11,500.

Finance Officer Consulted: Name Michael Bentley

Date: 11/10/18

7.2

Legal Implications:

The new legal framework is addressed in the body of the report

7.3

Equalities Implications:

The potential for any Equality and Diversity issues to arise has been considered and it is concluded that no issues relating to this, nor the Human Rights Act 1988 are relevant.

7.4

Sustainability Implications:

None

7.5

Any Other Significant Implications:

None

SUPPORTING DOCUMENTATION

Appendices:

1. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018- Procedural guidance notes for local authorities, July 2018
2. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Documents in Members' Rooms

None

Background Documents

None



Department
for Environment
Food & Rural Affairs

**The Animal Welfare (Licensing of Activities
Involving Animals) (England) Regulations 2018**
Procedural guidance notes for local authorities
July 2018

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Introduction and intended audience

1. This guidance is for local authorities who need to license activities involving animals and the relevant establishments. It can also be used by those who currently have a licence or wish to apply for one.
2. Local authorities, existing licence holders and anyone planning to apply for a licence should also read The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018⁽¹⁾ (the “Regulations”) to understand their obligations and duties under the new Regulations and the licences granted under these Regulations.

Definitions used in this Guidance

3. Terms used in this guidance have the same meaning as in the Regulations, unless stated otherwise.
4. For ease of reference some of the key definitions used in this guidance are set out below:

A “licensable activity” means one of five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs (includes boarding in kennels or catteries, home boarding for dogs and day care for dogs), hiring out horses, dog breeding and keeping or training animals for exhibition.

An “operator” means an individual who—

- (a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or
- (b) where a licence has been granted or renewed, is the licence holder;

The “local authority” means—

- (a) a district council,
- (b) a London borough council,
- (c) the Common Council of the City of London (in their capacity as a local authority),
- (d) the Council of the Isles of Scilly, or
- (e) a combined authority in England established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

A “listed veterinarian” means a veterinarian who for the time being is listed as being authorised to carry out an inspection on the list of veterinarians drawn up by the Royal College of Veterinary Surgeons.

Who and what to license

5. The Regulations apply to an operator of a licensable activity in England.
6. Local authorities must make sure that the person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on, the “operator”, either does not

(1) [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)

need a licence due to not meeting the requirements in the Regulations, holds a licence in accordance with the Regulations or that appropriate enforcement action is taken on unlicensed activity.

7. The licence holder must be a named person who is not disqualified from holding a licence in accordance with the requirements of regulation 11 (Persons who may not apply for a licence).
8. Responsibility for ensuring that the correct licence has been obtained and is kept up to date with the relevant local authority or authorities falls to the licence holder or prospective licence holder.
9. Where businesses operate a franchise model each establishment should have its own licence and star rating.

How long licences last

10. For the activity of “Keeping or Training Animals for Exhibition”, all licences are for three years on the basis that these activities have hitherto been subject to a simple registration system. There is no risk assessment applied to such activities.
11. For all other activities, if a **new applicant** (someone who has no compliance history with a local authority or UKAS) is successful, they will automatically be considered as high risk due to a lack of history.
12. Such operators will have the length of their licence determined by their risk rating (automatically high risk) and whether the operator is already meeting the specified higher standards of animal welfare rather than the minimum required by the licence conditions.
13. If an **existing operator** is applying for the renewal of a licence, then the length of time the licence is granted for will be determined by their risk rating and the licence length can be up to three years. Those with longer licences will receive fewer inspections because inspections tend to be on renewal, and therefore they will pay less for inspection fees as a result.
14. The risk model guidance set out in paragraph 61 onwards must be used in determining the length of licence to award.

Before you grant a new animal activity licence

15. Once a local authority receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:
 - (a) You must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.
 - (b) Inspect the site of the licensable activity and assess if it's likely to meet the licence conditions. You'll need to have a suitably qualified inspector present (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of regulation 10, to be submitted to the local authority following their inspection.

- (c) The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- (d) Ensure that the appropriate fees have been paid, these can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations, the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and any fees in relation to the provision of information to the secretary of state.

Suitably qualified inspectors

16. All inspectors must be suitably qualified. This is defined as:

- (a) Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity. Or;
- (b) Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record;
- (c) Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

Deciding on a licence application

17. You must consider the inspectors' report and any comments or conduct made by the applicant when deciding whether or not to approve a new licence application.

18. You must refuse to grant a licence if you:

- (a) Think the applicant is not capable of meeting their licence conditions.
- (b) Think that granting a licence might negatively affect the welfare, health or safety of the animals involved in the activity.
- (c) You can refuse to grant a licence if the accommodation, staffing or management are inadequate for the animals' well-being or for the activity or establishment to be run properly. The relevant guidance documents for the activity will explain in detail the requirements and conditions that must be met so you should have regard to these documents.
- (d) You can also refuse to grant a licence if the applicant has been disqualified from holding a licence as per Schedule 8 of the Regulations.

Granting a licence

19. The application form must be completed by the applicant for each of the licensable activities being applied for and sent to the relevant local authority along with payment

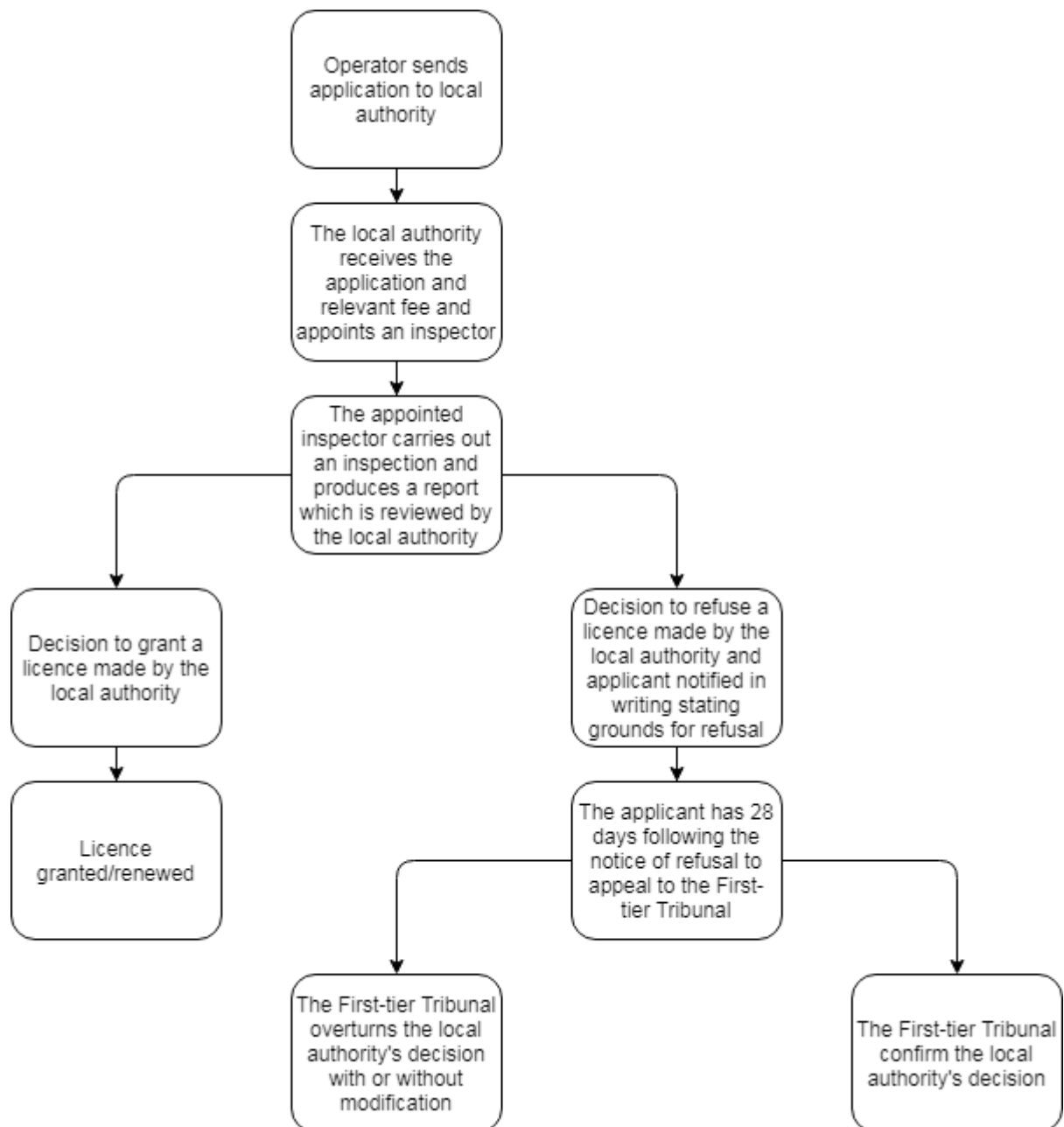
for the application fee. The relevant local authority will be the one in which the premises at which the majority of the licensable activities take place.

20. You should aim to issue a decision on an application within 10 weeks of receiving it. It is possible that the process may take longer, for example if further information is required from the applicant or if it proves difficult to make the arrangements for the inspection.

Renewing a licence

21. Local authorities should advise each licence holder in writing 3 months before their licence expires that they will need to renew it.
22. The licence holder must apply for a renewed licence at least 10 weeks before their current licence expires if they wish to continue to operate the licensable activity without a break.
23. Local authorities must carry out an inspection of the premises before renewing the licence. The form of the inspection will depend on the licensable activity in question.
24. Consider the inspection report (and any response from the applicant) when deciding whether to renew the licence or not.

Figure 1 Application flowchart



Suspension, variation or revocation of a licence

25. A local authority may at any time vary a licence:

- (a) On the application in writing of the licence holder, or
- (b) On your own initiative, with the consent in writing of the licence holder.
- (c) In addition to the above a local authority may suspend, vary or revoke a licence without the consent of the licence holder if:
 - i. The licence conditions are not being complied with,
 - ii. There has been a breach of the Regulations,
 - iii. Information supplied by the licence holder is false or misleading, or
 - iv. It is necessary to protect the welfare of an animal.

26. Such a suspension, variation or revocation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal in which case you may stipulate that the decision has immediate effect.

27. The decision to vary or suspend the licence must be notified to the licence holder in writing, explain the reasoning for the decision, and provide information regarding when the suspension, variation or revocation comes into effect and the rights of the licence holder, as well as any specific changes that you deem necessary in order to remedy the situation.

28. The decision to vary or suspend a licence should be dependent on the severity of the situation, if an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence if it happens repeatedly. Revocation of a licence should occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.

29. Under paragraph 16(2) of the Regulations if it is necessary to protect the welfare of an animal the local authority may specify in the notice of suspension, variation or revocation that it takes immediate effect.

30. A local authority notice must be delivered in one of three ways, in person; by leaving it at or sending it by post to the person's current or last known postal address; or by emailing it to the person's current or last known email address.

31. Following the issuing of the notice the licence holder will then have 7 working days to make written representation. Upon receipt of this you must decide whether to continue with the suspension, variation or revocation of the licence or cancel the decision to make changes to the licence. If the licence has been altered to protect the welfare of an animal then you must indicate that this is the reason and whether the change is still in effect.

32. The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by either the local authority

upon being satisfied that licence conditions are being met or by the First-tier Tribunal who may decide the local authority's decision was incorrect.

33. If a licence is suspended for a significant period of time then the local authority should ensure that the animals are checked on regularly to ensure that the welfare of the animals is maintained.
34. As with applications the licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the local authority. This must be done within 28 days of the decision.
35. Note that if representation is not responded to within 7 working days of receipt then the initial decision the local authority made is deemed to be overturned, this is also the case if a licence which is initially suspended has no further action taken on it within 28 days.

Figure 2: Suspension or variation of a licence

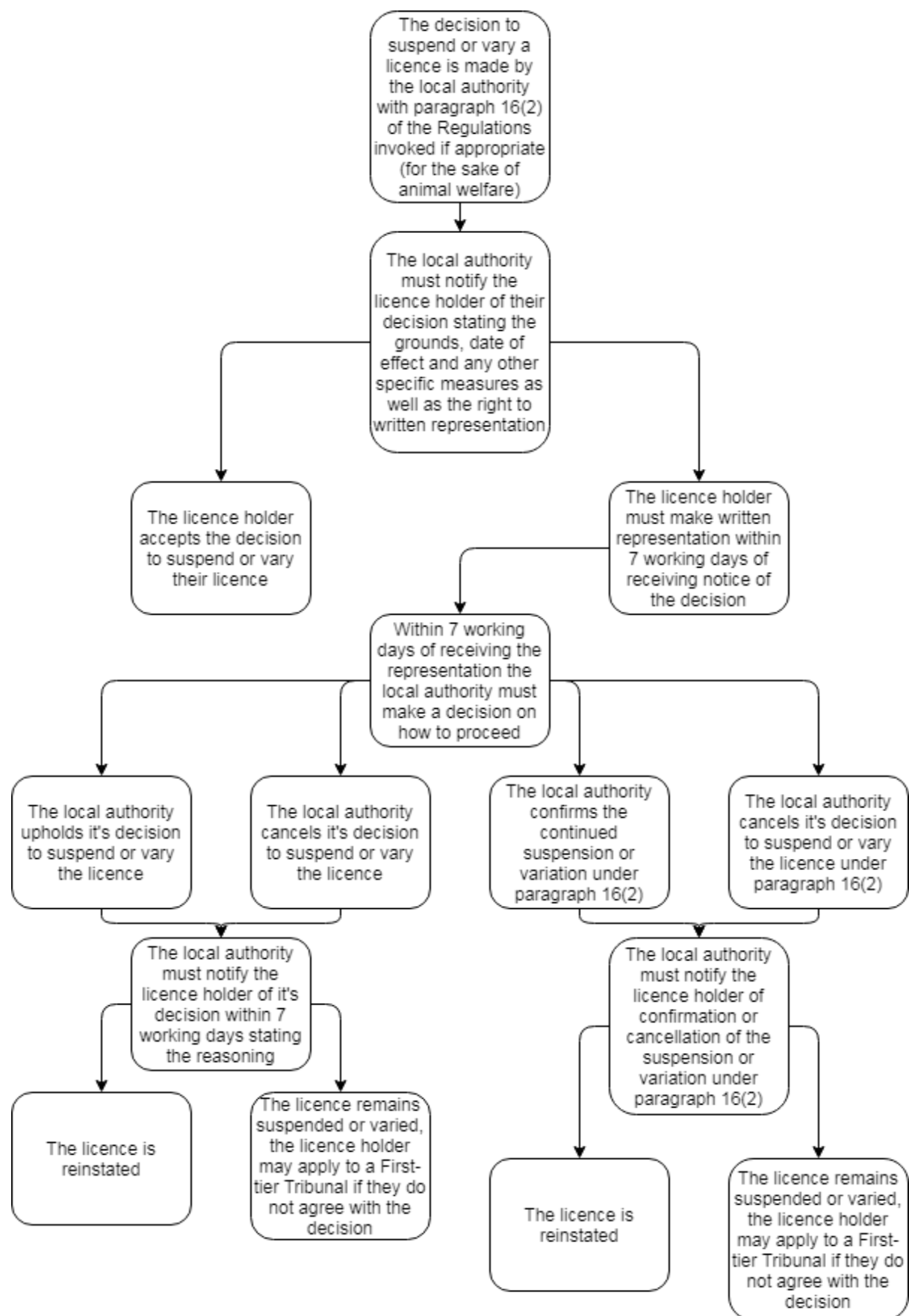
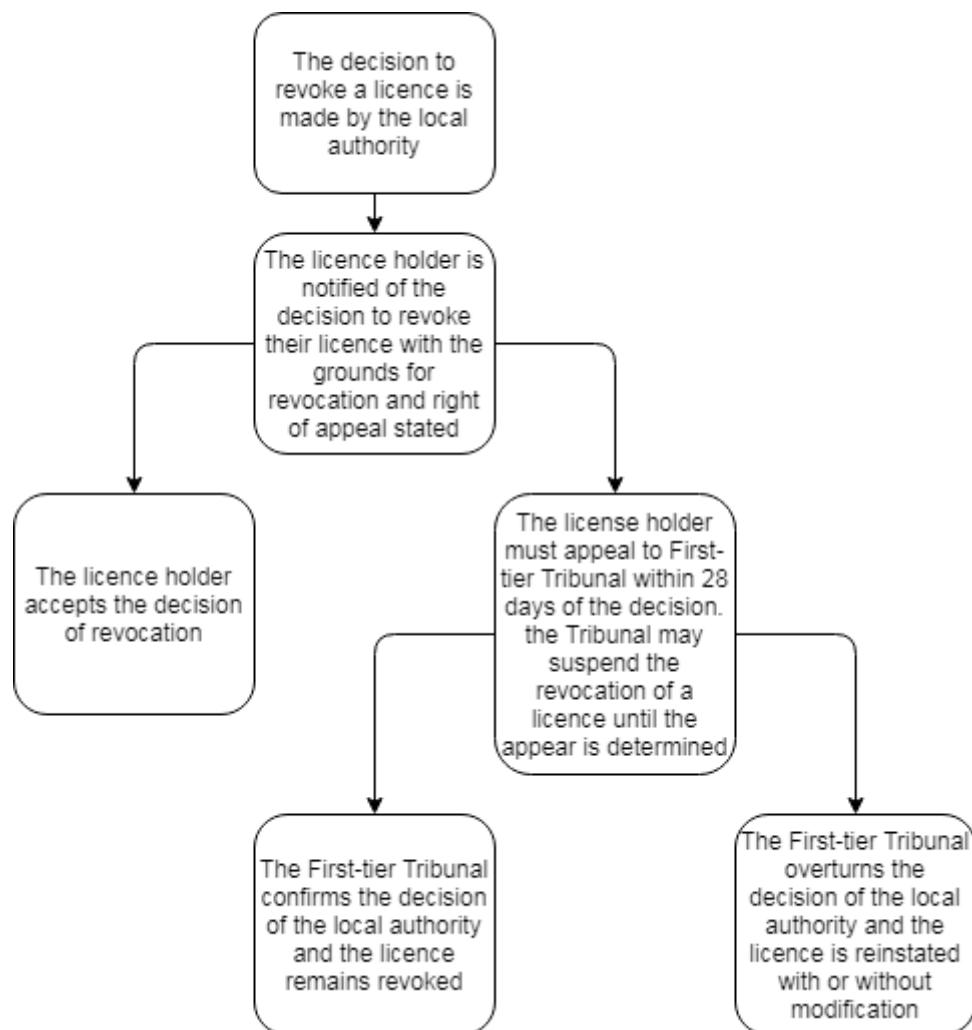


Figure 1 - Revocation of a licence



Provision of information to the Secretary of State

36. Each local authority must provide the following information to the Secretary of State in writing:
- (a) the number of licences in force for each licensable activity in its area on each reference date (1st April each year), and
 - (b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.
37. These must be provided in an electronic form no later than 31st May each year from 2019 onwards.
38. The reference period means the period beginning with 1st October 2018 and ending with 31st March 2019, the year beginning with 1st April 2019 and each subsequent year beginning with an anniversary of 1st April 2019.
39. In addition to the information above which must be provided each year Defra may also contact you to request further information such as the average star rating given out for each establishment type or other pieces of information which could be useful for informing policy or the progress on implementation, it is not a requirement of the Regulations to provide this information however.

Inspections during the term of a licence

40. There will be cases where inspections must be carried out during the term of a licence.
41. For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried on before the end of the first year after the licence is granted and then each subsequent year.
42. Unannounced inspections can also be carried out and should be used in the case of complaints or other information that suggests licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.
43. During the course of an inspection the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.

Death of a licence holder

44. If a licence holder dies, the procedure in regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the local authority within twenty-eight days of the death that they are now the operators of the licensable activity. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to

remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.

45. Additionally a local authority can extend the three month period by up to another three months if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.
46. If the personal representative does not notify the local authority within 28 days of the death of the licence holder the licence will cease to have effect after those 28 days.

Powers of entry

47. An inspector may not enter any part of premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier, parts of the premises which are not a private dwelling may be entered by an inspector if the premises is specified in a licence as premises on which the carrying on of an activity is authorised or is a premises on which he reasonably believes an activity to which a licence relates is being carried on.
48. A justice of the peace can issue a warrant authorising an inspector or a constable to enter a premises on the request of an inspector or constable using reasonable force if necessary in order to search for evidence of the commission of a relevant offence.
49. The justice will only issue a warrant if there are reasonable grounds for believing that a relevant offence has been committed on the premises, or that evidence of the commission of a relevant offence is to be found on the premises, and that section 52 of the Animal Welfare Act 2006 is satisfied in relation to the premises.
50. All other considerations from the Animal Welfare Act 2006 also apply.

Offences

51. It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. Samples should be as non-invasive as possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals, the provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.
52. It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing either of these offences could result in an unlimited fine.
53. Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both, section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.

Post-conviction powers

54. The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place whereby a person convicted of an offence under the Act is disqualified from owning, keeping, participating in the keeping of animals and from being party to an

arrangement under which they can control or influence the way an animal is kept, they are also may not transport or deal in animals. Breaching these disqualifications is an offence.

55. The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel a currently existing licence and disqualify a person from owning a licence for any period it sees fit if that person is convicted of an offence under the Act.

Transitional provisions

56. Any unexpired licences granted under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964, Riding Establishments Act 1970 will continue in force for the rest of their terms under the relevant Act.
57. An unexpired licence granted under the Breeding of Dogs Act 1973 will continue in force for the rest of its term subject to the provisions of that Act, the Breeding of Dogs (Licensing Records) Regulations 1999, the Breeding and Sale of Dogs (Welfare) Act 1999 and the Breeding and Sale of Dogs (Welfare) Act 1999.
58. Any registration of a person under the Performing Animals (Regulation) Act 1925 will continue in force, for six months from the date on which these Regulations come into force. These Regulations come into force on 1 October 2018 so this registration will expire on 1 April 2019.

Fee setting

59. When setting fees, local authorities should have regard to Open for business: LGA guidance on locally set licence fees², which sets out the steps that must be taken to set fair and reasonable fees, and explains the EU Services Directive upon which the LGA guidance is based. Local authorities should also have regard to the BEIS Guidance for Business on the Provision of Services Regulations. As with other areas of licensing, regard should also be had to the principles in the Regulators' Code. "Reasonable anticipated costs" will be fact specific and dependent on the local authority in question. The "Open for business: LGA guidance on locally set licence fees" guidance includes information on what could be considered reasonable.

Activities covered by the licensing fees

60. Regulation 13 of the Regulations set out what a local authority may charge fees for:
- (a) The costs of consideration of an application, including any inspection relating to that consideration;
 - (b) The reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
 - (c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and

² <https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

- (d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

Determining the length of a licence and the star rating of a business:

Assessing risk & standards

61. This guidance describes the risk-based system that must be used when issuing animal activities licences under the Regulations with the exception of “Keeping or Training Animals for Exhibition” where all licences are issued for 3 years. This system should be used to determine both the length of the licence and the star rating to award. Local authorities in England are expected to follow it in full.
62. The purpose is to ensure consistency in implementation and operation of the licensing system by local authorities, and to ensure that consumers can be confident that the star rating applied to businesses is an accurate reflection of both their risk level and the animal welfare standards that they adopt.

Animals activity star rating system

63. The scoring matrix for a premises is displayed in Table 1.

Table 1 – The Scoring Matrix

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

64. The model takes into account both the animal welfare standards adopted by a business as well as their level of risk (based on elements such as past compliance). This model should be used every time a licence is granted or renewed.
65. Businesses must be given a star rating, ranging from 1 star to 5 stars, based on this model, and the results of their inspection. This star rating must be listed on the licence by the issuing local authority officer. The system incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure and a mechanism for requesting a re-inspection for the purposes of re-rating when improvements have been made.
66. In order to use this model to calculate the length of the licence and associated star rating, it is necessary to address the following questions, based on the inspection and on records of past compliance:
- (a) Does the business meet the minimum standards?
 - (b) Does the business meet the higher standards?
 - (c) Is the business low or higher risk?

Does the business meet the minimum standards?

67. To obtain a licence for a single activity i.e. dog breeding, the applicant must meet the minimum standards set out in the specific Schedules to the Regulations (i.e. for Dog Breeding, Schedule 6) in addition to those in the General Schedule (Schedule 2). All businesses should meet the minimum standards but see paragraph 69 below for minor failings.
68. Additional information on how to meet these standards for each activity are outlined in the relevant specific guidance documents. During an inspection, the inspector should assess whether or not the business is meeting each of these minimum standards. If this is the case, they will qualify for a minimum of a two star rating (but subject to paragraph 69 below for minor failings).

Minor failings

69. If an existing business has a number of minor failings with regards to the minimum standards laid down in the schedules and the guidance, they should receive a risk rating score of 1 star. These minor failings should be predominantly administrative or if they are in relation to standards, they must not compromise the welfare of the animals. If animal welfare is being compromised, a licence should not be granted/renewed or, if already in place, should be suspended or revoked.

Does the business meet the higher standards?

70. For each activity, a number of higher standards have been agreed. Meeting the higher standards is optional but is the only way to gain a higher star rating. The higher standards are classified in to two types: **required** and **optional** and are outlined in the relevant guidance documents for the activity in question. To distinguish required standards from optional ones they have each been given a specific colour which is used in each guidance document. **Higher standards that appear in blue text are required**, whereas **those that appear in red text are optional**. To qualify as meeting the higher standards, the business needs to achieve all of the required higher standards as well as a minimum of 50% of the optional higher standards. During an

inspection, the inspector should assess whether or not the business meets the required number of higher standards.

71. Where a scheme utilising UKAS accredited certification is operational, it will be operated against either the minimum or higher standards as set out in the certification scheme criteria and as agreed with UKAS as part of the accreditation process. If a business is certified by a UKAS-accredited certification body to the higher standards, they should automatically be considered as meeting these standards, unless there is significant evidence of poor animal welfare or non-compliance is identified during the inspection.

Is the business low or high risk?

72. Table 2 Risk Scoring Table below should be used to determine if a business that is not certified by a UKAS accredited body is low or higher risk.
73. The risk assessment is not meant to reconsider specific issues taken into account in assessment of compliance with the minimum or higher standards. It does, however, require an assessment on the likelihood of satisfactory compliance being maintained in the future.
74. In considering risk, “management” covers the system as a whole. For a multi-site business, the company wide management system and procedures are a key element of this but local site / premises management is also important as that will influence how these systems and procedures are applied
75. Assessments of the written procedures should be based on the principle of proportionality, i.e. commensurate with the nature and size of the business. For small businesses which present lower risks, it may be sufficient that the business has in place good welfare practices and understands and applies them, i.e. it meets its prerequisites.

Certification by a UKAS-accredited body

76. Any business that is certified by a UKAS-accredited body and has three or more years of compliance history with this body should be considered low risk and receive the higher star ratings (unless there is significant evidence of poor animal welfare or non-compliance) as the welfare and risk management systems have been reviewed by an accredited third party.
77. New businesses that do not have three years of compliance history with a local authority or a UKAS-accredited body should automatically be considered high risk as they have no operational history.
78. If concerns are raised at the inspection indicating that the certified business may not be operating to the high standards or controlling risks appropriately, the inspector will address these in line with the guidance on procedural issues and the risk rating score adjusted accordingly. In addition these concerns should be reported directly to the UKAS-accredited body so that they can also intervene and / or suspend or withdraw the business’s certification.
79. Where businesses are certified by a UKAS-accredited body, that body can inform the relevant local authority with a list of the certified businesses in their area. Where notified, and where covered by confidentiality waivers, the local authority may request the UKAS-accredited body’s inspection reports and can use that information to inform

its own inspection including using the UKAS-accredited body's assessment of compliance.

80. For existing licensed businesses that are not certified by a UKAS-accredited body that are applying for a licence renewal, the following risk management table (Table 2) should be used to generate a risk score for the business. Each element should be reviewed and a score given (1 for low risk and 2 for high risk). An overall score can then be arrived at.
81. Where there is any uncertainty, if a business cannot provide satisfactory evidence that it is low risk in a given category, it should be scored as high risk.
82. A score of 17 or less is required for the business to be classed as low risk and a score of 18 or more means that the business will be classed as higher risk.

Table 2 – Risk Scoring Table

	Low (Score1)	High (Score 2)	Score
Compliance History - inspections	Documented evidence from formal inspections over the previous three years reveal consistent and high levels of compliance in terms of welfare standards and risk management.	Formal inspections over the previous three years reveal some degree of non-compliance that has required the intervention of the inspector for the business to ultimately recognise and address these. More serious breaches would attract other enforcement action: suspension, revocation, prosecution.	
Compliance History – follow up action	No evidence of follow-up action by local authority in the last year apart from providing the licence holder with a copy of the inspection report, or sending them a letter identifying some minor, administrative areas for improvement (e.g. minor record keeping issues).	Follow up action by the local authority, such as sending them letters, triggered by low level non-compliance that is not addressed, or the business does not recognise the significance of the need to address the non-compliance.	
Compliance History – re-inspection	No re-inspection necessary (apart from standard unannounced inspection) before next planned licence inspection / renewal	Re-inspection necessary to ensure compliance.	

	Low (Score1)	High (Score 2)	Score
Complaint History – complaints to the LA	No complaints received direct to the LA that are justified in relation to welfare standards or procedural issues during the previous three years.	Low level substantiated complaints identifying concerns over the business / licence holder have been received within the previous three years.	
Complaint History – complaints to the business	Licence holder records and documents any feedback received directly, in order to demonstrate compliance and willingness to address issues, and can provide evidence of this.	Licence holder does not record feedback received directly or show willingness to address any issues identified.	
Appreciation of welfare standards - enrichment	Sound understanding by the licence holder of relevant environmental enrichment applicable to the activity (guided by expert advice), with demonstrated implementation.	Little environmental enrichment present, inconsistently used and its importance not understood or really valued.	
Appreciation of hazards / risks	Licence holder clearly understands their role and responsibilities under the legislation. Hazards to both staff and animals clearly understood, properly controlled and reviewed with supporting evidence where applicable.	Licence holder not fully engaged with their role/responsibilities, lacks time to fulfil role, no system for review and reassessment of hazards to both animals and staff.	
Appreciation of hazards / risks - maintenance	A suitably planned maintenance, repair and replacement program for infrastructure and equipment is in place.	No planned maintenance program. Building, installations and equipment allowed to deteriorate before action is implemented.	
Appreciation of hazards / risks – knowledge and experience	Staff have specialist and appropriate knowledge of the taxa / species that are kept. There is sufficient staff, time and resource for daily, adequate routine monitoring, evidenced through records and staff rotas.	Key staff lack experience / knowledge of the species. Staff appear overburdened and / or unsupported by management, corners being cut.	

	Low (Score1)	High (Score 2)	Score
Appreciation of hazards / risks – dealing with issues	Clear defined roles / responsibilities of staff, with clear processes for reporting and addressing any identified issues.	Lack of any process, or ownership and responsibility within the business to identify and deal with issues.	
Welfare management procedures – written procedures	Written procedures / policies clearly documented, implemented and reviewed appropriately.	Limited written procedures / policies. No overall strategic control or direction.	
Welfare management procedures – supervision of staff	Appropriate supervision of staff evident where applicable.	Inadequate supervision of staff evident on inspection or from the training records.	
Welfare management procedures – record keeping	All required records maintained and made available.	Poor standard of record keeping, records out of date or appear to be being manufactured – relevance of records not appreciated.	
Welfare management procedures - training	Planned training programme for staff to review and assess competency, with documented training records.	Little or no evidence of relevant training or system for review and reassessment.	
Total Score of 17 or less = Low risk Score of 18 or more = Higher risk.			
Risk Rating			

Frequently asked questions

The process of providing a risk rating

Q1. When should businesses be rated?

83. Businesses should be rated following an inspection that takes place prior to grant/renewal of the licence or a requested re-inspection. Businesses may also be re-rated following an unannounced or additional inspection (e.g. following a complaint), if major issues are highlighted that require follow up action.

Q2. When should new businesses be rated?

84. New businesses should be rated following their initial inspection.

Q3. Where businesses have a licence for multiple activities within the scope of the regulations, should each activity be rated separately?

85. The licence holder should receive only one rating, which must cover all the activities. Where they are meeting different standards for different activities (e.g. meeting the higher standards for dog breeding, but the minimum standards for dog boarding), the overall score should reflect the lower of the two.

Q4. What information should the local authority provide with the star rating following the inspection at which a rating was determined?

86. The following information should be provided in writing:
- (a) The star rating itself.
 - (b) Details of why the business was rated as it was. This should include a list of the higher standards that the business is currently failing to meet, or a list of the minimum standards that the business is failing to meet if it is considered to be in the minor failing category. This should also include a copy of the risk management table showing the scores under each point. Details recorded must be sufficient to support the score given for each element to facilitate internal monitoring or enable review where an appeal is made.
 - (c) Details of the appeals process and the deadline by which an appeal must be made.

The appeals process

87. To ensure fairness to businesses, local authorities must have an appeal procedure in place for businesses to dispute the star rating given in respect of their business. The appeal procedure is relevant where the business wishes to dispute the star rating given as not reflecting the animal welfare standards and risk level of their business at the time of the inspection. This should not be used if the business has made improvements to their business and wishes to be reassessed – in this case, they should apply for re-inspection

Q5. How can a business appeal their star rating?

88. If a business wishes to appeal the star rating given by the 'inspecting officer' (i.e. the officer undertaking the inspection) on behalf of the local authority, the appeal should be made in writing (including by email) to the local authority.
89. A business disputing a rating should be encouraged to discuss this informally first with the 'inspecting officer' so that there is an opportunity to help explain to the business

how the rating was worked out, as this may help resolve the matter without the business having to lodge an appeal. Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This should be made clear to the business so that they may lodge an appeal, and may subsequently withdraw it, if they wish.

90. Businesses have 21 days (including weekends and bank holidays) following the issue of their licence in which to appeal the star rating.

Q6. How will a local authority determine the outcome of the appeal?

91. The appeal should be determined either by the head of the department that issued the licence within the local authority, or by a designated deputy, or by the equivalent in another authority. No officer involved in the production of the rating, or in the inspection on which the rating is based should consider the appeal.
92. The local authority then has 21 days (including weekends and bank holidays) from the date they receive the appeal to consider the appeal, within which time they must issue a decision to the business.
93. A local authority will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. The appeal process should be transparent. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.

Q7. What if the business disagrees with the outcome of the appeal?

94. If the business disagrees with the outcome of the appeal, they can challenge the local authority's decision by means of judicial review. The business also has recourse to the local authority complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered

Requests for re-inspections for re-rating purposes

95. To ensure fairness to businesses, local authorities must have a procedure in place for undertaking re-inspections at the request of the business for re-assessing their star rating.
96. The re-inspection mechanism applies in cases where businesses with ratings of '1' to '4' have accepted their rating and have subsequently made the necessary improvements to address non-compliances identified during the local authority's previous inspection. Businesses should be aware that re-inspection for re-rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Q7. Who pays for a re-inspection visit?

97. Re-inspection falls under full cost recovery, and so the business will be required to pay for the costs of the inspection.

Q8. When is the inspection carried out?

98. The re-inspection should be carried out within three months of receipt of the request. Where an inspection does not occur within the three months, the business can raise the issue with the head of the licensing department within the local authority. If the

matter cannot be resolved, the business has recourse to the local authority complaints procedure.

Q9. How many re-inspections can a business request?

99. There is no limit to the number of re-inspection visits a business can request, however, there will be a fee for each visit charged at full cost recovery.

Q10. How should a business request a re-inspection?

100. The request should be made in writing (including by email) and should outline the case for a re-inspection, i.e. it should indicate the actions that have been taken by the business to improve the level of compliance or welfare since the inspection and, where appropriate, should include supporting evidence. The supporting case should refer to those actions that the local authority informed the business would need to be made in order to achieve a higher rating.

Q11. Must the local authority accede to all requests for re-inspections?

101. No. If the case made by the business is not substantiated or insufficient evidence is provided, the local authority can refuse to undertake a re-inspection on that basis. In doing so, the local authority must explain why the request is being refused at this stage and should re-emphasise the priority actions that must be taken in order to improve the rating and indicate what evidence will be required for agreement to a re-inspection to be made on further request. If the business disagrees with the local authority's decision to refuse a request for a re-inspection, they can raise the issue with the head of the licensing department within the local authority. If the matter cannot be resolved, the business has recourse to the local authority complaints procedure.

Q12. Where there is a supporting case, must a re-inspection be made or can a new rating be given on the basis of documentary evidence?

102. A re-inspection must be made. A new rating must not be given on the basis of documentary evidence only.

Q13. Where a re-inspection is to be undertaken, should this be unannounced?

103. This will depend on the reason for the re-inspection. This can be by appointment, unless an unannounced visit is necessary to ensure that compliance is checked properly (e.g. if the non-compliance was related to cleanliness standards).

Q14. If standards have not improved or have deteriorated at the time of the re-inspection, should a lower rating be given?

104. At the time of the re-inspection, the local authority officer should not only check that the required improvements have been made, but should also assess the ongoing standards. This means that the rating could go up, down or remain the same, change in licence length should be handled using the varying process described in paragraphs 25-35.

Q15. Should the ratings be published?

105. The star rating must be added to the licence and the licence should be displayed by the business. In addition, we encourage local authorities to maintain a list of licensed businesses and their associated ratings on their websites.



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D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No.

ANIMALS, ENGLAND

**The Animal Welfare (Licensing of Activities Involving Animals)
(England) Regulations 2018**

Made - - - -

Coming into force - -

1st October 2018

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The Secretary of State is, in relation to England, the appropriate national authority for the purpose of exercising the powers conferred by section 13(2), (7), (8) and (10) of and Parts 1 and 3 of Schedule 1 to the Animal Welfare Act 2006^(a), and makes the following Regulations in exercise of those powers.

In accordance with section 13(9) of that Act, the Secretary of State has consulted such persons appearing to the Secretary of State to represent interests with which these Regulations are concerned as the Secretary of State considered appropriate.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

PART 1

Introduction

Title, commencement and application

- 1.—(1) These Regulations—
 - (a) may be cited as the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018;
 - (b) come into force on 1st October 2018.
- (2) The following provisions of these Regulations apply in England only—
 - (a) regulations 2 to 24,
 - (b) regulations 27 to 29, and
 - (c) Schedules 1 to 8.

Interpretation

2. In these Regulations—
 - “the Act” means the Animal Welfare Act 2006;
 - “adult dog” means a dog aged 6 months or more;
 - “general conditions” means the conditions set out in Schedule 2;
 - “horse” includes an ass, mule or hinny;
 - “licence”, except as the context otherwise requires in regulation 11(1)(b) and Schedule 8 or where more specifically provided, means a licence to carry on a licensable activity granted or renewed under these Regulations and cognate expressions are to be construed accordingly;
 - “licence conditions” means—
 - (a) the general conditions, and
 - (b) the relevant specific conditions;
 - “licensable activity” means an activity described in paragraph 2, 4, 6, 8 or 10 of Schedule 1;
 - “listed” means for the time being listed as authorised to carry out an inspection on the list of veterinarians drawn up by the Royal College of Veterinary Surgeons;

(a) 2006 c. 45. The appropriate national authority is defined in section 62(1) of the Act.

“local authority” means—

- (a) a district council,
- (b) a London borough council,
- (c) the Common Council of the City of London (in their capacity as a local authority),
- (d) the Council of the Isles of Scilly, or
- (e) a combined authority in England established under section 103 of the Local Democracy, Economic Development and Construction Act 2009^(a);

“operator” means an individual who—

- (a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or
- (b) where a licence has been granted or renewed, is the licence holder;

“pet” means an animal mainly or permanently, or intended to be mainly or permanently, kept by a person for—

- (a) personal interest,
- (b) companionship,
- (c) ornamental purposes, or
- (d) any combination of (a) to (c).

“puppy” means a dog aged less than 6 months;

“relevant specific conditions” means—

- (a) in relation to the activity of selling animals as pets (or with a view to their being later resold as pets) as described in paragraph 2 of Schedule 1, the conditions set out in Schedule 3;
- (b) in relation to the activity of providing or arranging for the provision of boarding for cats or dogs as described in paragraph 4 of Schedule 1, the conditions set out in the relevant Part of Schedule 4;
- (c) in relation to the activity of hiring out horses as described in paragraph 6 of Schedule 1, the conditions set out in Schedule 5;
- (d) in relation to the activity of breeding dogs as described in paragraph 8 of Schedule 1, the conditions set out in Schedule 6;
- (e) in relation to the activity of keeping or training animals for exhibition as described in paragraph 10 of Schedule 1, the conditions set out in Schedule 7;

“sleeping area” means a fully-enclosed indoor area in which a dog, or, in the context of Part 1 of Schedule 4, a cat, can rest, sleep or avoid seeing other people or animals;

“veterinarian” means—

- (a) a person who is for the time being registered in the register of veterinary surgeons maintained under section 2 of the Veterinary Surgeons Act 1966^(b), or
- (b) a person who is for the time being registered in the supplementary veterinary register maintained under section 8 of that Act;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971^(c).

(a) 2008 c.20. Section 103 has been amended by sections 12(2) and 14(2) of the Cities and Local Government Devolution Act 2016 (2016 c.1).

(b) 1966 c. 36. Section 2(2) has been amended by article 12 and paragraph 1 of the Schedule to S.I. 2003/2919 and by article 2 and paragraph (2)(a) and (b) of the Schedule to S.I. 2008/1824.

(c) 1971 c. 80.

Licensing of operators

3.—(1) Each licensable activity is a specified activity for the purposes of section 13(1) of the Act.

(2) A local authority is the licensing authority for any licensable activity carried on on premises in its area.

PART 2

Grant, renewal and variation with consent of a licence and inspection of premises

Conditions of grant or renewal of a licence

4.—(1) This regulation applies where—

- (a) a local authority has received from an operator an application in writing for the grant or renewal of a licence to carry on a licensable activity on premises in the local authority's area, and
- (b) the application gives such information as the local authority has required.

(2) The local authority must—

- (a) appoint one or more suitably qualified inspectors to inspect any premises on which the licensable activity or any part of it is being or is to be carried on, and
- (b) following that inspection, grant a licence to the operator, or renew the operator's licence, in accordance with the application if it is satisfied that—
 - (i) the licence conditions will be met,
 - (ii) any appropriate fee has been paid in accordance with regulation 13, and
 - (iii) the grant or renewal is appropriate having taken into account the report submitted to it in accordance with regulation 10.

(3) A local authority must attach to each licence granted or renewed—

- (a) the general conditions, and
- (b) the relevant specific conditions.

(4) On receipt of an application in writing for the grant or renewal of a licence in respect of the activity described in paragraph 6 of Schedule 1, if no inspector appointed under paragraph (2)(a) is a listed veterinarian, the local authority must appoint a listed veterinarian to inspect the premises with the inspector appointed under that paragraph.

(5) On receipt of an application in writing for the grant of a licence in respect of the activity described in paragraph 8 of Schedule 1, if no inspector appointed under paragraph (2)(a) is a veterinarian, the local authority must appoint a veterinarian to inspect the premises with the inspector appointed under that paragraph.

(6) Paragraph (5) does not apply where the application is for the grant of such a licence which is to have effect immediately after the remainder of the term of a licence mentioned in regulation 27(5).

(7) In considering whether the licence conditions will be met, a local authority must take account of the applicant's conduct as the operator of the licensable activity to which the application for the grant or renewal relates, whether the applicant is a fit and proper person to be the operator of that activity and any other relevant circumstances.

(8) A local authority must not grant a licence to an operator, or renew an operator's licence, in any circumstances other than those described in these Regulations.

(9) All licences granted or renewed in relation to any of the licensable activities are subject to the licence conditions.

Period of licence

5. A local authority may grant or renew a licence—
- (a) for a period of one, two or three years in respect of the activity or any part of the activity described in paragraph 2, 4, 6 or 8 of Schedule 1 if it is satisfied that a period of one, two or three years, as the case may be, is appropriate on the basis of its assessment, having regard to such guidance as may be issued by the Secretary of State, of—
 - (i) the risk of an operator breaching any licence conditions;
 - (ii) the impact on animal welfare of any such breaches; and
 - (iii) whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions;
 - (b) for a period of three years in respect of the activity or any part of the activity described in paragraph 10 of Schedule 1.

Power to take samples from animals

6. An inspector may, for the purposes of ensuring the licence conditions are being complied with, take samples for laboratory testing from any animals on premises occupied by an operator.

Duty to assist in the taking of samples from animals

7. An operator must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples in accordance with regulation 6 and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

Hiring out horses: requirement for annual inspection of premises

8.—(1) Where there is a licence in force in relation to an activity described in paragraph 6 of Schedule 1, the local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried on.

(2) For the purposes of paragraph (1), the authority must make an appointment for an inspection to take place before the end of the first anniversary of the day on which the licence, as granted or renewed, came into force and before the end of each subsequent year in respect of which the licence remains in force.

Variation of a licence on the application, or with the consent, of a licence holder

9. A local authority may at any time vary a licence—
- (a) on the application in writing of the licence holder, or
 - (b) on its own initiative, with the consent in writing of the licence holder.

Inspector's report

10.—(1) Where a local authority arranges an inspection pursuant to regulation 4(2)(a), it must arrange for the submission to it of a report by the inspector.

- (2) The inspector's report must—
- (a) contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter, and
 - (b) state whether or not the inspector considers that the licence conditions will be met.

Persons who may not apply for a licence

11.—(1) The following persons may not apply for a licence in respect of any licensable activity—

- (a) a person listed as a disqualified person in paragraph 4 or any of paragraphs 6 to 17 of Schedule 8 where the time limit for any appeal against that disqualification has expired or where, if an appeal was made, that appeal was refused;
- (b) a person listed in any of paragraphs 1 to 3 and 5 of Schedule 8 as having held a licence which was revoked where the time limit for any appeal against that revocation has expired or where, if an appeal was made, that appeal was refused.

(2) Any licence granted or renewed, or held by, a person mentioned in paragraph (1)(a) or (b) is automatically revoked.

Death of a licence holder

12.—(1) In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.

(2) In the circumstances described in paragraph (1), the licence is to remain in force for three months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remains subject to the provisions in Part 3.

(3) The personal representatives must notify in writing the local authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.

(4) If the personal representatives fail so to notify the local authority within the period specified in paragraph (3), the licence shall cease to have effect on the expiry of that period.

(5) The local authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to three months if it is satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

Fees

13.—(1) A local authority may charge such fees as it considers necessary for—

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 29.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Guidance

14. A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Secretary of State.

PART 3

Enforcement and notices

Grounds for suspension, variation without consent or revocation of a licence

15. A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

Procedure for suspension or variation without consent

16.—(1) Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 15 has effect at the end of a period of seven working days beginning with the date on which notice of the decision is issued to the licence holder or, if that date is not a working day, the next working day.

(2) If it is necessary to protect the welfare of an animal, the local authority may specify in the notice of its decision that the suspension or variation has immediate effect.

(3) A decision to suspend or vary a licence must—

- (a) be notified to the licence holder in writing,
- (b) state the local authority's grounds for suspension or variation,
- (c) state when it comes into effect,
- (d) specify measures that the local authority considers are necessary in order to remedy the grounds, and
- (e) explain the right of the licence holder to make written representations in accordance with paragraph (4) and give details of the person to whom such representations may be made and the date by the end of which they must be received.

(4) The licence holder may make written representations which must be received by the local authority within seven working days beginning with the date of issue of notice of the decision under regulation 15 to suspend or vary the licence or, if that date is not a working day, the next working day.

(5) Except in relation to notices under paragraph (2), where a licence holder makes written representations which are received by the local authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the local authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).

(6) Within seven working days beginning with the date of receipt of any representations made in accordance with paragraph (5), the local authority must, after considering the representations—

- (a) suspend or vary the licence,
- (b) cancel its decision under regulation 15 to suspend or vary the licence,
- (c) confirm the suspension or variation of the licence under paragraph (2), or
- (d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, under paragraph (2).

(7) The local authority must issue to the licence holder written notice of its decision under paragraph (6) and the reasons for it within seven working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day.

(8) The local authority's decision under paragraph (6) is to have effect on service of its notice under paragraph (7).

(9) Paragraph (10) applies if the local authority fails to comply with paragraph (6) or (7).

(10) Where this paragraph applies, after seven working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day—

- (a) a licence suspended under paragraph (2) is to be deemed to be reinstated;
- (b) a licence varied under paragraph (2) is to be deemed to have effect as if it had not been so varied;
- (c) a licence suspended under paragraph (6)(a) is to be deemed to be reinstated;
- (d) a licence varied under paragraph (6)(a) is to be deemed to have effect as if it had not been so varied;
- (e) any licence held by the licence holder other than a licence suspended or varied under paragraph (2) or (6)(a) which the local authority decided to suspend or vary under regulation 15 is to be deemed to remain in force and not to be so varied.

(11) Once a licence has been suspended for 28 days, the local authority must on the next working day—

- (a) reinstate it without varying it,
- (b) vary and reinstate it as varied, or
- (c) revoke it.

(12) If the local authority fails to comply with paragraph (11), the licence is to be deemed to have been reinstated without variation with immediate effect.

Reinstatement of a suspended licence by a local authority

17.—(1) A local authority must reinstate a suspended licence by way of written notice once it is satisfied that the grounds specified in the notice of suspension have been or will be remedied.

(2) Where a local authority reinstates a licence under paragraph (1), it may reduce the period for which it is reinstated.

Notice of revocation

18.—(1) A revocation decision must—

- (a) be notified in writing to the licence holder,
- (b) state the local authority's grounds for revocation, and
- (c) give notice of the licence holder's right of appeal to the First-tier Tribunal and the period under regulation 24 within which such an appeal may be brought.

(2) The decision has effect on service of the notice.

Obstruction of inspectors

19. A person must not intentionally obstruct an inspector appointed for the purposes of the enforcement of these Regulations in the exercise of any powers conferred by or under the Act.

Offences

20.—(1) It is an offence for a person, without lawful authority or excuse—

- (a) to breach a licence condition;
- (b) to fail to comply with regulation 7 or 19.

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.

Powers of entry

21. Breach of a licence condition must be treated as a relevant offence for the purposes of section 23 of the Act (entry and search under warrant in connection with offences).

Post-conviction powers

22. The relevant post-conviction powers contained in sections 34 and 42 of the Act apply in relation to a conviction for an offence under regulation 20.

Notices

23.—(1) Any notice issued by a local authority under these Regulations may be amended, suspended or revoked by the local authority in writing at any time.

(2) A notice may be served on a person by—

- (a) personal delivery,
- (b) leaving it or sending it by post to the person's current or last known postal address, or
- (c) emailing it to the person's current or last known email address.

PART 4

Appeals

Appeals

24.—(1) Any operator who is aggrieved by a decision by a local authority—

- (a) to refuse to grant or renew a licence, or
- (b) to revoke or vary a licence,

may appeal to the First-tier Tribunal.

(2) The period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

(3) The First-tier Tribunal may on application and until the appeal is determined or withdrawn—

- (a) in the case of a decision to refuse to renew a licence, permit a licence holder to continue to carry on a licensable activity or any part of it subject to the licence conditions, or
- (b) suspend a revocation or variation under regulation 15.

(4) On appeal, the First-tier Tribunal may overturn or confirm the local authority's decision, with or without modification.

PART 5

Repeals, revocations and consequential amendments

Repeals and consequential amendments

25. Schedule 9 (repeals and consequential amendments) is to have effect.

Revocations and consequential amendments

26. Schedule 10 (revocations and consequential amendments) is to have effect.

PART 6

Transitional and saving provisions

Transitional and saving provisions

27.—(1) Any unexpired licence granted in accordance with the provisions of the Pet Animals Act 1951(a) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(2) Any unexpired licence granted under the Animal Boarding Establishments Act 1963(b) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(3) Any unexpired licence granted under of the Riding Establishments Act 1964(c) shall continue in force for the remainder of its term subject to the provisions of that Act as it had effect on the relevant date.

(4) Any unexpired provisional licence granted under the Riding Establishments Act 1970(d) shall continue in force for the remainder of its term subject to the provisions of that Act and, so far as relevant, the Riding Establishments Act 1964 as those Acts had effect on the relevant date.

(5) Any unexpired licence granted in accordance with the provisions of the Breeding of Dogs Act 1973(e) shall continue in force for the remainder of its term subject to the provisions of—

- (a) that Act,
- (b) the Breeding of Dogs (Licensing Records) Regulations 1999(f),
- (c) the Breeding and Sale of Dogs (Welfare) Act 1999(g), and
- (d) the Sale of Dogs (Identification Tag) Regulations 1999(h),

as those enactments had effect on the relevant date.

(6) Any registration of a person under the Performing Animals (Regulation) Act 1925(i) in force on the relevant date shall continue in force, subject to the provisions of that Act as it had effect on the relevant date, for a period of six months starting with the date on which these Regulations come into force.

(7) In this regulation—

“unexpired” means still in force on, and with any of its term remaining after, the relevant date;

“the relevant date” means the day before the date on which these Regulations come into force.

PART 7

Review and provision of information to the Secretary of State

Review

28.—(1) The Secretary of State must, from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

-
- (a) 1951 c. 35 (14 & 15 Geo 6).
 - (b) 1963 c. 43.
 - (c) 1964 c. 70.
 - (d) 1970 c. 32.
 - (e) 1973 c. 60.
 - (f) S.I. 1999/3192.
 - (g) 1999 c. 11.
 - (h) S.I. 1999/3191.
 - (i) 1925 c. 38 (15 & 16 Geo 5).

- (2) The first report must be published before 1st October 2023.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015^(a) requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision mentioned in paragraph (1)(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Provision of information to the Secretary of State

29.—(1) Each local authority must provide the following information to the Secretary of State in writing for the purpose of assisting the Secretary of State to carry out the review in accordance with regulation 28—

- (a) the number of licences in force for each licensable activity in its area on each reference date, and
 - (b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.
- (2) Each local authority must provide the information to the Secretary of State—
- (a) in electronic form, or secure that it is accessible to the Secretary of State in electronic form, and
 - (b) no later than the next 31st May following the relevant reference date.
- (3) In this regulation—

“reference date” means 1st April each year beginning with 1st April 2019;

“reference period” means the period beginning with 1st October 2018 and ending with 31st March 2019, the year beginning with 1st April 2019 and each subsequent year beginning with an anniversary of 1st April 2019.

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Department for Environment, Food and Rural Affairs

(a) 2015 c. 26.

SCHEDULE 1

Licensable activities

Regulation 2

PART 1

Business test

1. The circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business for the purposes of this Schedule include, for example, whether the operator—

- (a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- (b) earns any commission or fee from the activity.

PART 2

Selling animals as pets

2. Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.

3. The activity described in paragraph 2 does not include—

- (a) selling animals in the course of an aquacultural production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009^(a), or
- (b) the activity described in paragraph 8.

PART 3

Providing or arranging for the provision of boarding for cats or dogs

4. Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by—

- (a) providing boarding for cats;
- (b) providing boarding in kennels for dogs;
- (c) providing home boarding for dogs; or
- (d) providing day care for dogs.

^(a) S.I. 2009/463.

5. The activity described in paragraph 4 does not include keeping a dog or cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981(a).

PART 4

Hiring out horses

6. Hiring out horses in the course of a business for either or both of the following purposes—

- (a) riding;
- (b) instruction in riding.

7. The activity described in paragraph 6 does not include any activity—

- (a) solely for military or police purposes, or
- (b) involving the instruction of students at a university on a course of study and examinations leading to a veterinary degree to which a recognition order under section 3 of the Veterinary Surgeons Act 1966(b) relates and for as long as such an order is in force.

PART 5

Breeding dogs

8. Either or both of the following—

- (a) breeding three or more litters of puppies in any 12-month period;
- (b) breeding dogs and advertising a business of selling dogs.

9. The activity described in paragraph 8 does not include—

- (a) keeping a dog on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981,
- (b) breeding only assistance dogs or dogs intended to be used as assistance dogs within the meaning of section 173 of the Equality Act 2010(c), or
- (c) breeding three or more litters of puppies in any 12-month period if the person carrying on the activity provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs).

PART 6

Keeping or training animals for exhibition

10. Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes—

- (a) to any audience attending in person, or
- (b) by the recording of visual images of them by any form of technology that enables the display of such images.

11. The activity described in paragraph 10 does not include—

- (a) keeping or training animals solely for military, police or sporting purposes,

(a) 1981 c. 22.

(b) Section 3(1)(b) has been amended by paragraph 3 of the Schedule to S.I. 2008/1824.

(c) 2010 c. 15.

- (b) any activity permitted under a licence to operate a travelling circus under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012^(a), or
- (c) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981^(b).

SCHEDULE 2

General conditions

Regulation 2

Licence display

1.—(1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Records

2.—(1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

Use, number and type of animal

3.—(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing

4.—(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

Suitable environment

5.—(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

^(a) S.I. 2012/2932.

^(b) 1981 c. 37.

- (a) their behavioural needs,
 - (b) its situation, space, air quality, cleanliness and temperature,
 - (c) the water quality (where relevant),
 - (d) noise levels,
 - (e) light levels,
 - (f) ventilation.
- (3) Staff must ensure that the animals are kept clean and comfortable.
- (4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.
- (5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.
- (6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.
- (7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.
- (8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.
- (9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

- 6.—**(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.
- (2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.
- (3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.
- (4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.
- (5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.
- (6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Monitoring of behaviour and training of animals

- 7.—**(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.
- (2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
- (3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.
- (4) Where used, training methods or equipment must not cause pain, suffering or injury.
- (5) All immature animals must be given suitable and adequate opportunities to—

- (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
- (b) become habituated to noises, objects and activities in their environment.

Animal handling and interactions

8.—(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease

9.—(1) Written procedures must—

- (a) be in place and implemented covering—
 - (i) feeding regimes,
 - (ii) cleaning regimes,
 - (iii) transportation,
 - (iv) the prevention of, and control of the spread of, disease,
 - (v) monitoring and ensuring the health and welfare of all the animals,
 - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

(2) All people responsible for the care of the animals must be made fully aware of these procedures.

(3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

(4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

(5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

(6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.

(7) Where necessary, animals must receive preventative treatment by an appropriately competent person.

(8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.

(9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.

(10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.

(11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

- (a) in the case of fish, a person who is competent for such purpose;
- (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

Emergencies

10.—(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

SCHEDULE 3

Regulation 2

Specific conditions: selling animals as pets

Interpretation

1. In this Schedule—

“prospective owner” means a person purchasing an animal to keep or to be kept as a pet;

“premises” means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;

“purchaser” means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

Records and advertisements

2.—(1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include —

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of the sale of the animal by the licence holder, and

- (g) the date of the animal's death (if applicable).
- (2) Where an animal is undergoing any medical treatment—
 - (a) this fact must be clearly indicated—
 - (i) in writing next to it, or
 - (ii) (where appropriate) by labelling it accordingly, and
 - (b) it must not be sold.
- (3) Any advertisement for the sale of an animal must—
 - (a) include the number of the licence holder's licence,
 - (b) specify the local authority that issued the licence,
 - (c) include a recognisable photograph of the animal being advertised,
 - (d) (except in the case of fish) display the age of the animal being advertised,
 - (e) state the country of residence of the animal from which it is being sold, and
 - (f) state the country of origin of the animal.

Prospective sales: pet care and advice

3.—(1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

Suitable accommodation

4.—(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.

(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(a).

(a) 1976 c. 38. The Schedule was substituted in relation to England and Wales by article 2 of S.I. 2007/2465.

Purchase and sale of animals

5.—(1) The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited—

- (a) unweaned mammals;
- (b) mammals weaned at an age at which they should not have been weaned;
- (c) non-mammals that are incapable of feeding themselves;
- (d) puppies, cats, ferrets or rabbits, aged under 8 weeks.

(2) The sale of a dog must be completed in the presence of the purchaser on the premises.

Protection from pain, suffering, injury and disease

6.—(1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

SCHEDULE 4

Regulation 2

Specific conditions: providing boarding for cats or dogs

PART 1

Providing boarding for cats

Interpretation

1. In this Part—

“cat unit” means the physical structure and area that comprises a sleeping area and an exercise run;

“exercise run” means an enclosed area forming part of the cat unit attached to and with direct and permanent access to the sleeping area;

“premises” means the premises on which the licensable activity of providing boarding for cats is carried on.

Suitable environment

2.—(1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.

(2) There must be a safe, secure, waterproof roof over the entire cat unit.

(3) A cat unit may only be shared by cats from the same household.

(4) Communal exercise areas are not permitted.

(5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.

(6) Each cat unit must provide the cat with sufficient space to—

- (a) walk,
- (b) turn around,
- (c) stand on its hind legs,
- (d) hold its tail erect,
- (e) climb,
- (f) rest on the elevated area, and
- (g) lie down fully stretched out,

without touching another cat or the walls.

(7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.

(8) Cats must have constant access to their sleeping area.

(9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.

(10) Each cat unit must include an elevated area.

(11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.

(12) Any gaps between cat units must be a minimum of 0.6 metres wide.

(13) Any cat taken out of a cat unit must be secured in a suitable carrier.

(14) The sleeping area must form part of the cat unit and be free from draughts.

Monitoring of behaviour and training of cats

3.—(1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.

(2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.

(3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

Records

4. A register must be kept of all the cats on the premises which must include—

- (a) the dates of each cat's arrival and departure,
- (b) each cat's name, age, sex, neuter status and a description of it or its breed,
- (c) each cat's microchip number, where applicable,
- (d) the number of any cats from the same household,
- (e) a record of which cats (if any) are from the same household,
- (f) the name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,
- (g) in relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,
- (h) the name and contact details of each cat's normal veterinarian and details of any insurance relating to the cat,
- (i) details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,
- (j) details of each cat's diet and related requirements,

- (k) any required consent forms,
- (l) a record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and
- (m) details of any medical treatment each cat is receiving.

Protection from pain, suffering, injury and disease

5.—(1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.

(2) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.

(3) All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.

(4) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(5) A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(6) In this paragraph, "holding cat unit" means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

PART 2

Providing boarding in kennels for dogs

Interpretation

6. In this Part—

"exercise run" means an enclosed area forming part of a kennel unit attached to and with direct access to the sleeping area;

"kennel unit" means the physical structure and area that consists of a sleeping area and an exercise run;

"premises" means the premises on which the licensable activity of providing boarding in kennels for dogs is carried on.

Suitable environment

7.—(1) Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.

(2) In each kennel unit, the sleeping area must—

(a) be free from draughts;

(b) provide the dog with sufficient space to—

(i) sit and stand at full height,

(ii) lie down fully stretched-out,

(iii) wag its tail,

(iv) walk, and

(v) turn around,

without touching another dog or the walls;

(c) have a floor area which is at least twice the area required for the dog in it to lie flat; and

(d) if built after the date on which these Regulations come into force, have a floor area of at least 1.9 square metres.

(3) Each kennel unit must be clearly numbered and there must be a system in place which ensures that information about the dog or dogs in each kennel unit is available to all staff and any inspector.

(4) Each dog must have constant access to its sleeping area.

(5) Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.

(6) Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.

(7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.

(8) Only dogs from the same household may share a kennel unit.

Monitoring of behaviour and training

8.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

(4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.

(5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.

(6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

Records

9.—(1) A register must be kept of all the dogs on the premises which must include—

- (a) the dates of each dog's arrival and departure;
- (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the number of any dogs from the same household;
- (d) a record of which dogs (if any) are from the same household;
- (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
- (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
- (g) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
- (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
- (i) details of the dog's diet and related requirements;
- (j) any required consent forms;
- (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
- (l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

10.—(1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(4) In sub-paragraph (3), “holding kennel unit” means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

PART 3

Providing home boarding for dogs

Interpretation

11. In this Part—

“designated room” means a room within the home allocated to a dog;

“home” means a domestic dwelling on which the licensable activity of providing home boarding for dogs is carried on.

Home

12.—(1) Dogs must be accommodated within the home.

(2) The home must include—

- (a) direct access to a private, non-communal, secure and hazard-free external area, and
- (b) at least two secure physical barriers between any dog and any entrance to or exit from it.

Suitable environment

13.—(1) Dogs from different households may only be boarded at the same time with the written consent of every owner.

(2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.

(3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.

(4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.

(5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.

(6) A dog must not be kept in a crate unless—

- (a) it is already habituated to it,
- (b) a crate forms part of the normal routine for the dog, and
- (c) the dog's owner has consented to the use of a crate.

(7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

Suitable diet

14.—(1) Each dog must be fed separately in its designated room unless its owner has given written consent to the contrary.

Monitoring of behaviour and training

15.—(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) Each dog must be exercised at least once daily as appropriate for its age and health.

(3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

Housing with or apart from other dogs

16.—(1) Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.

(2) Unneutered bitches must be prevented from mating.

(3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

Records

17.—(1) A register must be kept of all the dogs accommodated in the home which must include—

- (a) the dates of each dog's arrival and departure;
- (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the number of any dogs from the same household;
- (d) a record of which dogs (if any) are from the same household;
- (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
- (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
- (g) the name and contact details of each dog's normal veterinarian and details of any insurance relating to the dog;
- (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
- (i) details of each dog's diet and related requirements;
- (j) any required consent forms;
- (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
- (l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

18.—(1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

PART 4

Providing day care for dogs

Interpretation

19. In this Part, “premises” means the premises on which the licensable activity of providing day care for dogs is carried on.

No overnight stay

20. No dog may be kept on the premises overnight.

Suitable environment

21.—(1) Each dog must be provided with—

- (a) a clean, comfortable and warm area where it can rest and sleep, and
- (b) another secure area in which water is provided and in which there is shelter.

(2) Each dog must have access to areas where it can—

- (a) interact safely with other dogs, toys and people, and
- (b) urinate and defecate.

(3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

Suitable diet

22. Any dog that requires specific feed due to a medical condition must be fed in isolation.

Monitoring of behaviour and training

23.—(1) All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.

(2) Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing apart from other dogs

24.—(1) Unneutered bitches must be prevented from mating.

(2) Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

Records

25.—(1) A register must be kept of all the dogs on the premises which must include—

- (a) the date of the dog’s attendance;
- (b) the dog’s name, age, sex, neuter status, microchip number and a description of it or its breed;
- (c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;
- (d) the name and contact details of the dog’s normal veterinarian and details of any insurance relating to the dog;

- (e) details of the dog's relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;
 - (f) details of the dog's diet and relevant requirements;
 - (g) any required consent forms;
 - (h) a record of the date or dates of the dog's most recent vaccination, worming and flea treatments;
 - (i) details of any medical treatment the dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

- 26.—(1) The dogs must be supervised at all times.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

SCHEDULE 5

Regulation 2

Specific conditions: hiring out horses

Interpretation

1. In this Schedule, "client" means a person for whose use a horse is hired out.

Eligibility

- 2.—(1) The licence holder must—
- (a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and
 - (b) hold a valid certificate of public liability insurance which—
 - (i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and
 - (ii) insures any client against liability for any injury sustained by, and the death of, any other person,
 caused by or arising out of the hire of the horse.
- (2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

Supervision

- 3.—(1) The activity must not at any time be left in the charge of a person aged under 18 years.
- (2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.
- (3) The following must be clearly and prominently displayed on the premises—
- (a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;
 - (b) instructions as to the action to be taken in the event of a fire or other emergency.

Suitable environment

- 4.—(1) It must be practicable to bring all the horses on the premises under cover.
- (2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.
- (3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

Suitable diet

- 5.—(1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.
- (2) Supplementary feed and nutrients must be provided to any horse when appropriate.
- (3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

Protection from pain, suffering, injury and disease

- 6.—(1) The horses must be maintained in good health and must be in all respects physically fit.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented
- (3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.
- (4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.
- (5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.
- (6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.
- (7) An area suitable for the inspection of horses by a veterinarian must be provided.
- (8) The following must not be hired out—
- (a) a horse aged under 3 years;
 - (b) a mare heavy with foal;
 - (c) a mare whose foal has not yet been weaned.
- (9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

Equipment

7. All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

SCHEDULE 6

Regulation 2

Specific conditions: breeding dogs

Advertisements and sales

- 1.—(1) The licence holder must not advertise or offer for sale a dog—

- (a) which was not bred by the licence holder;
- (b) except from the premises where it was born and reared under the licence;
- (c) otherwise than to—
 - (i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1;
or
 - (ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951(a)
to keep the shop,
 knowing or believing that the person who buys it intends to sell it or intends it to be sold
by any other person.
- (2) Any advertisement for the sale of a dog must—
 - (a) include the number of the licence holder's licence,
 - (b) specify the local authority that issued the licence,
 - (c) include a recognisable photograph of the dog being advertised, and
 - (d) display the age of the dog being advertised.
- (3) The licence holder and all staff must ensure that any equipment and accessories being sold
with a dog are suitable for it.
- (4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex
and veterinary record of the dog being sold.
- (5) No puppy aged under 8 weeks may be sold or permanently separated from its biological
mother.
- (6) A puppy may only be shown to a prospective purchaser if it is together with its biological
mother.
- (7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother
is necessary for the health or welfare of the puppy, other puppies from the same litter or its
biological mother.

Suitable environment

- 2.**—(1) Each dog must have access to a sleeping area which is free from draughts and an
exercise area.
- (2) Each dog must be provided with sufficient space to—
 - (a) stand on its hind legs,
 - (b) lie down fully stretched out,
 - (c) wag its tail,
 - (d) walk, and
 - (e) turn around,
 without touching another dog or the walls of the sleeping area.
 - (3) The exercise area must not be used as a sleeping area.
 - (4) Part or all of the exercise area must be outdoors.
 - (5) There must be a separate whelping area for each breeding bitch to whelp in which contains a
suitable bed for whelping.
 - (6) Each whelping area must be maintained at an appropriate temperature (between and
including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to
move away from heat spots.
 - (7) Each dog must be provided with constant access to a sleeping area.

(a) 1951 c. 35 (14 & 15 Geo 6).

- (8) A separate bed must be provided for each adult dog.
- (9) No puppy aged under 8 weeks may be transported without its biological mother except—
 - (a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or
 - (b) in an emergency.
- (10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.
- (11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.
- (12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.
- (13) In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

Suitable diet

3. Staff must—

- (a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,
- (b) provide each breeding bitch with feed appropriate to its needs,
- (c) provide each puppy with feed appropriate for its stage of development, and
- (d) ensure that each puppy ingests the correct share of the feed provided.

Monitoring of behaviour and training

- 4.—(1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.
- (2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.
- (4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.
- (5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing with or apart from other dogs

- 5.—(1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.
- (2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.
- (3) Procedures must be in place for dealing with dogs that show abnormal behaviour.
- (4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

Protection from pain, suffering, injury and disease

- 6.—(1) All dogs for sale must be in good health.
- (2) Any dog with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until it has recovered.
- (3) The licence holder must ensure that no bitch—

- (a) is mated if aged less than 12 months;
 - (b) gives birth to more than one litter of puppies in a 12-month period;
 - (c) gives birth to more than six litters of puppies in total;
 - (d) is mated if she has had two litters delivered by caesarean section.
- (4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.
- (5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.
- (7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—
- (a) the date and time of birth of each puppy,
 - (b) each puppy's sex, colour and weight,
 - (c) placentae passed,
 - (d) the number of puppies in the litter, and
 - (e) any other significant events.
- (8) The licence holder must keep a record of each puppy sale including—
- (a) the microchip number of the puppy,
 - (b) the date of the sale, and
 - (c) the age of the puppy on that date.
- (9) The licence holder must keep a record of the following in relation to each breeding dog—
- (a) its name,
 - (b) its sex,
 - (c) its microchip and database details,
 - (d) its date of birth,
 - (e) the postal address where it normally resides,
 - (f) its breed or type,
 - (g) its description,
 - (h) the date or dates of any matings, whether or not successful,
 - (i) details of its biological mother and biological father,
 - (j) details of any veterinary treatment it has received, and
 - (k) the date and cause of its death (where applicable).
- (10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—
- (a) the number of matings,
 - (b) its age at the time of each mating,
 - (c) the number of its litters,
 - (d) the date or dates on which it has given birth, and
 - (e) the number of caesarean sections it has had, if any.
- (11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.
- (12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(13) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

SCHEDULE 7

Regulation 2

Specific conditions: keeping or training animals for exhibition

Insurance

1. The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

Emergencies

2. A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

Suitable environment

3. Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

Monitoring of behaviour and training

4. The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

Housing with or apart from other animals

5.—(1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

(2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

(3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

(4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

Records

6. The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

Protection from pain, suffering, injury and disease

7.—(1) A register must be kept of each animal exhibited or to be exhibited which must include—

- (a) the full name of its supplier,
 - (b) its date of birth,
 - (c) the date of its arrival,
 - (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
 - (e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,
 - (f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,
 - (g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and
 - (h) the distance to and times taken for it to travel to and from each exhibition event.
- (2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.
- (3) All the animals used in exhibition events must be in good physical and mental health.
- (4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.
- (5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.
- (6) The animals must be transported in suitable, secure and appropriately labelled carriers.
- (7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.
- (8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

SCHEDULE 8

Regulation 11

Persons who may not apply for a licence

1. A person who has at any time held a licence which was revoked under regulation 15 of these Regulations.
2. A person who has at any time held a licence which was revoked under regulation 17 of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014(a).
3. A person who has at any time held a licence which was revoked under regulation 13 of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(b).
4. A person who is disqualified under section 33 of the Welfare of Animals Act (Northern Ireland) 2011(c).
5. A person who has at any time held a licence which was revoked under regulation 12 of the Welfare of Racing Greyhounds Regulations 2010(d).
6. A person who is disqualified under section 34 of the Act.
7. A person who is disqualified under section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006(e).

(a) S.I. 2014/3266 (W.333).
 (b) S.I. 2012/2932.
 (c) 2011 c. 16.
 (d) S.I. 2010/543.
 (e) 2006 asp 11.

8. A person who is disqualified under section 4(1) of the Dangerous Dogs Act 1991(a).
9. A person who is disqualified under Article 33A of the Dogs (Northern Ireland) Order 1983(b).
10. A person who is disqualified under section 6(2) of the Dangerous Wild Animals Act 1976(c) from keeping a dangerous wild animal.
11. A person who is disqualified under section 3(3) of the Breeding of Dogs Act 1973(d) from keeping a breeding establishment for dogs.
12. A person who is disqualified under section 4(3) of the Riding Establishments Act 1964(e) from keeping a riding establishment.
13. A person who is disqualified under section 3(3) of the Animal Boarding Establishments Act 1963(f) from keeping a boarding establishment for animals.
14. A person who is disqualified under section 5(3) of the Pet Animals Act 1951(g) from keeping a pet shop.
15. A person who is disqualified under section 1(1) of the Protection of Animals (Amendment) Act 1954(h) from having custody of an animal.
16. A person who is disqualified under section 4(2) of the Performing Animals (Regulation) Act 1925(i).
17. A person who is disqualified under section 3 of the Protection of Animals Act 1911(j) from the ownership of an animal.

SCHEDULE 9

Regulation 25

Repeals and consequential amendments

Performing Animals (Regulation) Act 1925

- 1.—(1) The Performing Animals (Regulation) Act 1925 is amended as follows.
- (2) Section 1(1) (restriction on exhibition and training of performing animals) ceases to have effect in relation to England.
- (3) In section 1—
 - (a) in subsection (1), after “animal” insert “in Wales”;
 - (b) in subsection (2)—
 - (i) for “Great Britain” substitute “Wales”;
 - (ii) after “districts” insert “in Wales”.

-
- (a) 1991 c. 65; section 1(1) has been amended but the amendments are not relevant.
- (b) S.I. 1983/764 (N.I. 8) as amended by S.I. 1991/2292 (N.I. 21) and by sections 17(1) and 18(1) of, and paragraph 3 of the Schedule to the Dogs (Amendment) Act (Northern Ireland) 2011 (c.9) and by article 2 of, and the Schedule to S.R. 2011 No. 281.
- (c) 1976 c. 38; section 6(2) has been amended but the amendments are not relevant.
- (d) 1973 c. 60; section 3(3) was amended by section 5(1) of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).
- (e) 1964 c. 70; section 4(3) was amended by paragraph 6(2) of Schedule 3 to the Animal Welfare Act 2006.
- (f) 1963 c. 43; section 3(3) was amended by paragraph 5(2) of Schedule 3 to the Animal Welfare Act 2006.
- (g) Section 5(3) was amended by paragraph 3(2) of Schedule 3 to the Animal Welfare Act 2006.
- (h) 1954 c. 40 (2 & 3 Eliz 2); section 1 was repealed by Schedule 4 to the Animal Welfare Act 2006.
- (i) 1925 c. 38 (15 & 16 Geo 5); section 4(2) was amended by paragraph 1 of Schedule 3 to the Animal Welfare Act 2006.
- (j) 1911 c. 27 (1 & 2 Geo 5); section 3 was repealed by Schedule 4 to the Animal Welfare Act 2006.

(4) In section 4(1) (offences and legal proceedings), in each of paragraphs (a), (b) and (e), after “animal” insert “in Wales”.

(5) In section 5(a) (interpretation, rules, and expenses)—

(a) in subsection (1), for the definition of “local authority” substitute—

“The expression “local authority” means a county council in Wales or a county borough council in Wales.”;

(b) in subsection (3), omit the words from “, and” to the end.

Pet Animals Act 1951

2.—(1) The Pet Animals Act 1951 is amended as follows.

(2) Section 1(1) (restriction on keeping a pet shop) ceases to have effect in relation to England.

(3) In section 1—

(a) in subsection (1), after “shop” insert “in Wales”;

(b) in subsection (2), after “Every local authority” insert “in Wales”;

(c) in subsection (3), after “shop” and “a local authority” insert “in Wales”;

(d) in subsection (4), after “local authority” insert “in Wales”.

(4) In section 4(1) (inspection of pet shops), after “A local authority” insert “in Wales”.

(5) In section 6 (power of local authority to prosecute)—

(a) the existing text becomes subsection (1) and in that text omit “England or”;

(b) after subsection (1) insert—

“(2) A local authority in England may prosecute proceedings for an offence under section 2 committed in the area of the authority.”.

Animal Boarding Establishments Act 1963

3.—(1) The Animal Boarding Establishments Act 1963 is amended as follows.

(2) Section 1(1) (licensing of boarding establishments for animals) ceases to have effect in relation to England.

(3) In section 1(1) after “animals” insert “in Wales”.

(4) In section 4 (power of local authorities to prosecute) omit “in England or Wales”.

(5) In section 5(2) (interpretation), in the definition of “local authority”, for the words from “means the” to “London” substitute—

“means a county council in Wales or a county borough council in Wales”.

Riding Establishments Act 1964

4.—(1) The Riding Establishments Act 1964 is amended as follows.

(2) Section 1(1) (licensing of riding establishments) ceases to have effect in relation to England.

(3) In section 1(1) after “establishment” insert “in Wales”.

(4) In section 5 (power of local authorities to prosecute)—

(a) in subsection (1), omit “in England or Wales”.

(b) in subsection (2), omit “In England and Wales”.

(5) In section 6 (interpretation)—

(a) in subsection (1) omit paragraph (c);

(a) Subsections (1) and (3) were amended by section 16 of, and paragraph 17 of Schedule 8 to, the Local Government Act 1985 (1985 c. 51).

- (b) in subsection (4), in the definition of “local authority”(a), for the words from “means the council of a district” to “county borough”, substitute—
“means a county council in Wales or a county borough council in Wales”.

Breeding of Dogs Act 1973

- 5. The Breeding of Dogs Act 1973 is repealed.

Local Government Act 1974

- 6. In the Local Government Act 1974(b), in Schedule 7 (minor and consequential amendments), paragraph 15 is omitted.

Dangerous Wild Animals Act 1976

- 7.—(1) The Dangerous Wild Animals Act 1976(c) is amended as follows.
- (2) In section 5(d) (exemptions)—
 - (a) after paragraph (2), insert—
“(2A) premises in England on which the activity described in paragraph 2 of Schedule 1 to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (read with paragraph 3 of that Schedule: selling animals as pets etc) is carried on under a licence under those Regulations;”;
 - (b) in paragraph (3), after “premises” insert “in Wales”.
- (3) In section 6(e) (penalties)—
 - (a) in subsection (2) omit “or the Breeding of Dogs Act 1973,”;
 - (b) at the end insert—
“(3C) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to the carrying on of an activity in England, or of an offence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, subsections (2) and (3) apply as they do to convictions under this Act.”.

Zoo Licensing Act 1981

- 8. In section 4(5) of the Zoo Licensing Act 1981(f) (grant or refusal of licence)—
 - (a) after the entry which begins “section 13(6)” insert—
“section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to the carrying on of an activity in England;”;
 - (b) at the end insert—
“;”

(a) This definition has been amended by section 251(2) and 272(1) of, and Schedule 29 and paragraph 42 of Schedule 30 to, the Local Government Act 1972 and by section 22(3) of, and paragraph 7 of Schedule 9 to, the Local Government (Wales) Act 1994. There is another amendment but it is not relevant.

(b) 1974 c. 7.

(c) 1976 c. 38.

(d) Section 5 has been amended but the amendments are not relevant.

(e) Subsection (2) was amended by section 64 of, and paragraphs 9(b) to (d) of Schedule 3 to, the Act. Subsection (3A) was inserted, in relation to Scotland, by article 2(1) of, and paragraph 8 of Schedule 1 to, SSI 2006/536. Subsection (3B) was inserted, in relation to Wales, by regulation 26 of, and paragraph 4 of Schedule 2 to, SI 2014/3266 (W.333).

(f) 1981 c. 37. Subsection (5) was amended by section 64 of, and paragraphs 11(a) to (c) of Schedule 3 to, the Act and, in relation to Wales, by regulation 26 of, and paragraph 5 of Schedule 2 to, SI 2014/3266 (W.333). There were other amendments to section 4 but they are not relevant.

the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.”.

Animals (Scientific Procedures) Act 1986

9. In the Animals (Scientific Procedures) Act 1986(a), section 27(3) (repeal, consequential amendments and transitional provisions) is omitted.

Breeding of Dogs Act 1991

10. The Breeding of Dogs Act 1991(b) is repealed.

Breeding and Sale of Dogs (Welfare) Act 1999

11. The Breeding and Sale of Dogs (Welfare) Act 1999(c) is repealed.

Local Authorities (Functions and Responsibilities) (England) Regulations 2000

12. Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(d) (licensing and registration functions not to be the responsibility of an authority’s executive) is amended as follows—

- (a) in column (1) (function)—
 - (i) for “29. Power to license premises for the breeding of dogs.” substitute “29. Power to grant or renew a licence for a licensable activity under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibition).”;
 - (ii) omit “30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business” and “31. Power to register animal trainers and exhibitors”;
- (b) in column (2) (provision of Act or statutory instrument)—
 - (i) in relation to the entry relating to item 29, for “Section 1 of the Breeding of Dogs Act 1973 (c. 60), and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).” substitute “Regulation 4 of those Regulations.”;
 - (ii) omit the entries relating to items 30 and 31.

Courts Act 2003

13. In the Courts Act 2003(e), paragraphs 171 and 383 of Schedule 8 (minor and consequential amendments) are omitted.

Criminal Justice Act 2003

14. In the Criminal Justice Act 2003(f), paragraph 72 of Schedule 25 (summary offences no longer punishable with imprisonment) is omitted.

(a) 1986 c. 14. Section 27(3) was amended by regulations 2 and 26(14) of S.I. 2012/3039.
(b) 1991 c. 64.
(c) 1999 c. 11.
(d) S.I. 2013/2190. Schedule 1 has been amended but the amendments are not relevant.
(e) 2003 c. 39.
(f) 2003 c. 44.

Regulatory Enforcement and Sanctions Act 2008

15.—(1) The Regulatory Enforcement and Sanctions Act 2008(a) is amended as follows.

(2) In Schedule 3 (enactments specified for the purpose of Part 1), the following entries are omitted—

- (a) “Breeding and Sale of Dogs (Welfare) Act 1999 (c 11)”;
- (b) “Breeding of Dogs Act 1973 (c 60)”;
- (c) “Breeding of Dogs Act 1991 (c 64)”.

(3) in Schedule 6 (enactments specified for the purposes of orders under Part 3), the following entries are omitted—

- (a) “Breeding of Dogs Act 1973 (c 60)”;
- (b) “Breeding of Dogs Act 1991 (c 64)”.

Deregulation Act 2015

16. In the Deregulation Act 2015(b), paragraphs 35, 36 and 41 of Schedule 23 (legislation no longer of practical use) are omitted.

SCHEDULE 10

Regulation 26

Revocations and consequential amendments

Performing Animals Rules 1925

1. In rule 2 of the Performing Animals Rules 1925(c), for the first indented paragraph substitute “In Wales:— The City of Cardiff.”

Sale of Dogs (Identification Tag) Regulations 1999

2. The Sale of Dogs (Identification Tag) Regulations 1999(d) are revoked.

Breeding of Dogs (Licensing Records) Regulations 1999

3. The Breeding of Dogs (Licensing Records) Regulations 1999(e) are revoked.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition.

Regulation 3 specifies these activities for the purposes of section 13(1) of the Animal Welfare Act 2006 (“the 2006 Act”) and provides for local authorities to be the licensing authorities. The consequence of this specification is that, subject to qualifying criteria, any person wishing to carry on any of these activities in England must obtain a licence from their local authority under these Regulations. This requirement replaces the requirement, in England, to be registered under the Performing Animals (Regulation) Act 1925 or to obtain a licence under the Pet Animals Act 1951;

(a) 2008 c. 13.
(b) 2015 c. 20.
(c) SI 1925/1219.
(d) SI 1999/3191.
(e) SI 1999/3192.

the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.

A person who carries on any of these activities in England without a licence under these Regulations commits an offence under section 13(6) of the 2006 Act and is liable to imprisonment for a term of up to six months, a fine or both. Under section 30 of the 2006 Act, local authorities may prosecute for any offence under the Act.

Part 2 of the Regulations sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the granting or renewing of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, considering a licence holder's compliance with these Regulations, enforcement and administration. It requires a local authority to have regard to guidance issued by the Secretary of State in carrying out their functions under these Regulations. It makes provision for the inspection of premises and provides powers for inspectors to take samples from animals.

Part 3 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also provides that the breach of a condition of a licence or the obstruction of any inspector appointed for the purposes of enforcement of these Regulations is an offence and applies relevant post-conviction powers contained in the 2006 Act.

Part 4 provides for appeals against licensing decisions by local authorities. Part 6 makes transitional and saving provision for unexpired licences or registrations under the pre-existing statutory regime and Part 7 contains a requirement for the Secretary of State to carry out reviews of these Regulations and for local authorities to provide information to the Secretary of State for the purpose of such reviews.

Schedule 1 describes each type of licensable activity. Schedule 2 sets out the general conditions that apply to all licensable activities and Schedules 3 to 7 set out the specific conditions that apply to each licensable activity. Schedule 8 lists persons who may not apply for a licence and Schedules 9 and 10 provide for repeals, revocations and consequential amendments.

An impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector is available from the Animal Welfare Team of the Department for Environment, Food and Rural Affairs, Area 5B, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Introduction

These regulations came into force on 1st October. There have been significant advances in the understanding of animal welfare in recent decades. The new regulations update the previous legislation, which pre-dates the Animal Welfare Act, and are introducing new measures to ensure those conducting animal activities are doing so to the best standards of animal welfare.

The new regulations supersede the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, the Breeding and Sale of Dogs (Welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973. In addition, a registration system is also in place for performing animals that was introduced in the Performing Animals Act 1925.

These regulations repeal or amend the acts outlined above and replace them with a single streamlined licensing system. They also introduce licensing for animal exhibits for the first time and bring the welfare requirements for all activities up to a modern standard. The new licensing system will combine the five activities into a single licence system where an operator can cover multiple activities in one licence.

Defra have published standards, conditions and guidance for national use.

Specific Changes

Changes to calendar year

There are a number of changes being introduced to help local authorities deal with licensing and enforcing animal activities. These include changes to the way the administration of the scheme works by changing the issue dates for licences to be from any point in a year instead of the previous calendar year framework. This means that workload is spread out throughout the year rather than concentrated into the end of the calendar year, as in the current system.

All home dog boarders licences issued under the previous legislation will cease to be relevant from 1st January 2019. All have been written to explaining this and inviting them to make an application under the new regulations.

Enforcement

The regulations also include more powers for local authorities to help enforce licence conditions. These include the ability to vary, suspend or revoke licences as necessary. Additionally, both the enforcement and the administration of the licensing scheme will be fully cost recoverable meaning that the administration of the licensing scheme will not be a drain on local authority resources. This will allow the local authorities more freedom to take action where non-compliance is found. Inspectors will be able to inspect an unlicensed premises if they believe that an activity that requires licensing is taking place.

Risk rating

Under the new regulation establishments will receive a star rating from 1-5 much like the system for food hygiene ratings. This will be based upon a combination of past compliance (based on past inspections and the history of an establishment) and the animal welfare standards adopted.

Establishments will be able to increase their rating by meeting higher animal welfare standards and having a good history of compliance. The opposite is also true with the star rating decreasing if there are repeated issues or problems with the establishment. The rating for an establishment will be displayed which will inform members of the public who deal with that establishment whether they practice good welfare standards. The risk rating of the establishment will also feed into the length of time a licence can be granted for.

Licence length

The maximum length of time a licence can be granted for will be three years. This will depend on the risk rating of an establishment with lower risk establishments being able to be issued longer licences of up to three years whereas high risk establishments will continue to receive one year licences. Not only does this free up time where inspections and licensing for good establishments need to be reviewed less often but it also encourages establishments to improve their ratings as this will result in lower costs and fewer inspections for them.

Guidance

Defra has issued statutory guidance for each of the animal activities as well as procedural guidance and guidance on a risk model aimed at providing information to local authorities and inspectors. Additionally a training course is currently being developed for licensing officers. All of these have been created in conjunction with the various animal sectors, charities, local authorities and other key stakeholders.

Changes for establishments

There are also changes being made to alter what necessitates a licence, for example, under the previous rules someone did not need to obtain dog breeding licence unless they were breeding five or more litters of puppies a year. The new regulations will both lower this to three litters and will also add a second condition revolving around the business test to tackle instances where few litters of puppies are bred but these are sold commercially.

The regulations also make it clear that online sales and home boarding businesses are licensable activities.

Other changes for establishments include requirements to keep records regarding the activities. This will give inspectors a much clearer picture of the establishments over time and allows for inspectors to see what has happened between inspections for establishments with a licence longer than one year.

There are a lot of animal welfare changes outlined in the regulations and guidance with each sector laying out minimum standards that must be met and higher standards to strive towards in order to secure a better rating for the establishment. Examples of these include details of living spaces, staff training and even requirements to ensure that animals will not be bred if there is a higher chance of birth defects.

Difficulties for Local Dog Boarders

It must be recognised that some specific requirements in the national standards will present difficulties for some current licence holders particularly;

Each dog must be provided with its own designated room, where it can be kept separate from other dogs. And

Any home used for home dog boarding must include its own entrance i.e. no shared access such as communal entry doors or stairs.

This may well have an effect on the number of current licence holders.

Brighton & Hove City Council Fees and Charges

Each local authority is able to set their own licence fees and charges on a cost recovery basis. On the basis that there are an estimated 100 local businesses which will require a licence our fee structure will be:

Licence Type	Fees			Vets Fees *
	Part A	Part B	Total	
Dog breeding (Dom)	£145.00	£130.00	£275.00	A recharge to the licensee of the cost to the Authority
Dog Breeding (Comm)	£180.00	£135.00	£315.00	
Dog Boarding (Dom)	£130.00	£120.00	£250.00	
Dog Boarding (Comm)	£180.00	£135.00	£315.00	
Cat Boarding	£135.00	£125.00	£260.00	
Dog Day Care	£130.00	£130.00	£260.00	
Exhibition of animals	£180.00	£135.00	£315.00	
Hiring horses	£205.00	£140.00	£345.00	
Pet vending	£145.00	£130.00	£275.00	

* where applicable

Variation / Transfer of Licence	£105.00	
Appeals / site visit	Price on application	

- Part A covers all cost associated with determining the licence application and includes all administration and inspection costs.

- Part B includes recoverable reasonably expected enforcement cost, including training and the cost of an interim compliance visit during the licence period where undertaken by council staff.
- Part A and B fees will be collected on application with the part B fee being refunded if the application is refused or withdrawn.
- The vet fees depend on the cost for each inspection. This will be collected following the application inspection irrespective of the licence being granted or refused.

Further information

The regulations, Defra guidance on the five areas coming under the regulations and how to apply for a licence is published on the council's website here:

<https://www.brighton-hove.gov.uk/content/environment/animal-warden-team>

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 15

Brighton & Hove City Council

Subject:	Hackney Carriage Unmet Demand Survey		
Date of Meeting:	29 November 2018		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	<i>Martin Seymour / Jim Whitelegg</i>	Tel: 29-6659
	E-mail:	Jim.whitelegg@brighton-hove.gov.uk Martin.seymour@brighton-hove.gov.uk	
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

To present the results of the Hackney Carriage Unmet Demand Survey and to give various options available to members to advise the executive. The Executive Summary and Recommendations section of the survey report is appended (Appendix A).

2. RECOMMENDATIONS:

- 2.1 That committee recommends to keep the current number of hackney carriage vehicle licences at 575 **or**;
- 2.2 Recommends to continue to increase the number of hackney carriage vehicle licences issued by the council by 5 annually, such licences to be issued in May each year commencing in May 2019 **or**;
- 2.3 Recommends removing the limit on the number of hackney carriage vehicles issued and allow a free entry policy to vehicles, which are constructed or adapted and configured to carry passengers seated in wheelchairs, or vehicles which are fully electric, the type and design of the vehicle to be agreed by the Executive Director of Neighbourhoods, Communities & Housing.
- 2.4 Recommend any additional licences issued under 2.2, above should be issued in accordance with the conditions attached to the Brighton & Hove City Council Hackney Carriage Vehicle Licence Waiting List and to vehicles which are constructed or adapted and configured to carry passengers seated in wheelchairs **or**; vehicles which are fully electric **or**; plug-in hybrid (PHEV) vehicles

the type and design of the vehicle to be agreed by the Executive Director of Neighbourhoods, Communities & Housing.

3. Relevant Background Information/Chronology of Key Events:

- 3.1 The council licenses hackney carriage vehicles and private hire vehicles. The principal differences between the two licensing regimes are (i) hackney carriages can ply for hire in the streets and at taxi ranks whilst private hire vehicles can only accept bookings made through a private hire operator (ii) powers exist to limit the numbers of hackney carriages in prescribed circumstances but there is no power to limit the number of private hire vehicles (iii) the council prescribes fares for hackney carriages but has no power to determine fares for private hire bookings.
- 3.2 This council last reviewed its policy of quantity control of hackney carriages on 23 November 2017.
- 3.3 Section 16 of the Road Transport Act 1985 gives the council the power to refuse the grant of a licence for the purpose of limiting the number of hackney carriage vehicles within its area, but only if it is satisfied that there is no significant demand for the service of hackney carriages within its area which is unmet. At present council policy limits the number of hackney carriage vehicle licenses to 575 with 5 additional licenses issued annually in May.
- 3.4 The Department of Transport has issued Best Practice guidance regarding limiting numbers policies. (Appendix B) Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice.
- 3.5 Because of its policy of limiting numbers, from time to time the council must commission an independent study to establish whether there is any significant unmet demand for the service of hackney carriages in Brighton and Hove. The Council recently commissioned such a study from independent transport consultants, CTS Traffic & Transportation Ltd, who produced their study report in October 2018.
- 3.6 In view of the study findings which found there to be no significant unmet demand Members have a discretion to recommend to the Council one of the following options: either (i) delimit, i.e. to remove the limitation on numbers; or (ii) continue with a restricted numbers policy but allow expansion of the fleet in a controlled manner; or (iii) keep the current number of hackney carriages vehicle licences at 575.
- 3.7 If Members decide to recommend to keep the current level of licences at 575 then the council would be required to commission a further survey to assess demand in around 3 years time. If Members decide to continue with a restricted numbers policy but with a policy of managed growth in line with paragraph 2.2 then the council would be required to commission a further survey to assess demand in

around 3 years time. If Members decide to delimit the council would not be required to commission a further survey.

- 3.8 The council maintains a waiting list for hackney carriage vehicle licences which currently has 302 applicants. It is recommended that all additional licences be offered to applicants in accordance with the conditions attached to the waiting list. This means that they would be offered to applicants according to their position on the list.
- 3.9 There are two potential avenues of legal challenge; an aggrieved party could seek judicial review of the committee's decision, and applicants could appeal against the refusal of a licence to the Courts. This is open to any applicant whether they are a licensed driver or not. The Council was challenged earlier this year by 20+ drivers in the Courts but they withdrew their case at Court. This shows that there is considerable dissatisfaction with the policy of restricted numbers within the trade with drivers unable to obtain plates and a number of operators and proprietors who hold multiple plates who are seen as restricting trade to less affluent drivers. The report shows that 575 hackney carriage vehicles are owned by 516 proprietors with 9 operators with 3 or more vehicles. Continuing to issue extra licences each year will counter criticism that the hackney carriage vehicle licence waiting list may be discriminatory if no extra licences are issued as it prevents applicants moving up the list giving the opportunity to own a hackney carriage vehicle.
- 3.10 The Council has adopted a number of measures to increase the percentage of wheelchair accessible vehicles available. These are; all new licences issued must be attached to a wheelchair accessible vehicle, where a licence is transferred to another owner the vehicle must become wheelchair accessible at its next renewal, all vehicles capable of carrying 5 or more passengers must be wheelchair accessible. A higher fare was also set for vehicles when carrying 5 or more passengers to reflect the higher costs of running these vehicles and to encourage proprietors to change their vehicles to wheelchair accessible. Should members not wish to adopt 2.2 above or continue issuing plates to wheelchair accessible vehicles all these measures may need to be reviewed.

4. The type of vehicle to be licensed

- 4.1 Taxis provide an important means of transport for disabled people and are often the only viable option available. The council's hackney carriage fleet is mixed; consisting of saloon cars and specially constructed or adapted wheelchair accessible vehicles. Locally, representatives of disabled groups have asked for the continued provision of a mixed fleet but are keen to increase the percentage of rear loading wheelchair accessible vehicles to meet the needs of passengers with large powered wheelchairs. This reflects the differing needs and preferences of the travelling public, including those who find it difficult to negotiate entry into wheelchair accessible vehicles and to sit down easily, and those confined to travelling in wheelchairs.

- 4.2 CTS Traffic & Transportation Ltd has considered the type of vehicle and suggests that it would appear that the further value of adding more WAV to the hackney carriage fleet is now limited. The public view possibly suggests that the maximum level might be at most 65%, whereas the current tests seem to suggest the further increases since 2015 have not continued the improvement seen in the previous period. On balance, they consider that a level of 50% WAV hackney carriages would continue the present benefits and be a sensible target to keep to in the future.

On the contrary, compared to policies favouring growth in WAV levels, around the traffic world, much more emphasis is being given to attempting to reduce air quality concerns, with many locations seeking to encourage the licensed vehicle fleet to set a good example by moving towards lower or zero emission options. Many authorities have had mandatory level targets set and many are seeking to achieve this through changes to requirements for both hackney carriage and private hire.

It is also clear that the additional five plates per year managed growth have ensured that any tendency toward unmet demand that might be seen as significant have been kept clearly in control. It seems prudent that this policy should continue, at the same level, but that the focus on fleet change now move to these plates being allocated to low or zero emission vehicles. Given the small number, this might best be set as fully zero emission, wheelchair accessible vehicle styles.

- 4.4 Members are recommended to require that additional hackney carriage licences are restricted to wheelchair accessible vehicles, plug-in hybrid (PHEV) or fully electric vehicles. This will underline the council's commitment to those who suffer physical disability but also encouraging a move to zero emission options by giving proprietors on the waiting list choice when purchasing vehicles. However, in the interests of continuing to maintain a mixed fleet this policy, would need to be reviewed after a suitable interval, for example when the next unmet demand survey is undertaken.
- 4.5 If Members decide not to recommend to so restrict the number of vehicles, then there is a risk of legal challenge from hackney carriage licence holders who were previously issued licences for wheelchair accessible vehicles, on the ground that the restriction on their licences is unreasonable. If successful, this would lead to a reduction in the number of wheelchair accessible vehicles. In view of the survey findings, disability interest groups or individuals might also challenge such a decision.

5 Related Issues

- 5.1 The main purpose of the survey was to determine whether or not there exists a significant unmet demand for hackney carriages and to determine the number of licences required to meet any identified unmet demand. There are other related issues which the council needs to keep under review in the longer term, such as the response to telephone bookings for wheelchair accessible vehicles, initiatives to encourage hackney carriage and private hire drivers to work unsociable hours,

particularly at the weekends when there are peaks in night-time demand, the level of fares and measures to improve driver and passenger safety.

- 5.2 Crime reduction initiatives such as driver safety screens and in-car CCTV cameras have previously been supported by Committee. Other initiatives are still being developed including links with the community safety team and improved partnership between the taxi trade and the police. The level of fares are reviewed regularly including the question of whether there is justification to increase the differential between daytime and night-time fares to encourage drivers to work at times of peak demand.

6. Consultation

- 6.1 CTS Traffic & Transportation Ltd consultations consulted with Hackney Carriage and Private Hire Trade Representatives; Taxis Operators; Disability representatives and Social Services; Police and Community Safety Partnership, Supermarkets, Hotels Restaurants, Entertainment Venues & Public Houses and Night Clubs.

7. Financial & other Implications:

- 7.1 Revenue:
- The cost of the current Unmet Demand Survey was met from within existing revenue budgets. The fees for Hackney Carriages are set at a level that it is reasonably believed will meet the costs of providing the service. Therefore, this will include the cost of future Unmet Demand Surveys.
 - Total income in 2017-18 from fees was £307,533. If the number of hackney carriages is allowed to increase this will not necessarily result in an increase in income overall, as it may be offset by a reduction in private hire vehicles.
 - If the decision is taken to continue with a limitation policy, then there is the possibility of a legal challenge to the decision in court. The costs of any such challenge would have to be met from within existing budgets, funded from the fee income.
 - If the decision is taken to delimit the number of taxis, then subsequent monitoring of taxi ranks may reveal a need to expand their size or number, which the Council would be responsible for funding. Such costs could range from a few hundred pounds to a few thousand pounds, depending on the specific circumstances.

Finance Officer Consulted: Michael Bentley

Date: 15/10/18

- 7.2 These are dealt with in the body of the report.

Lawyer Rebecca Sidell

Date: 23/10/18

Equalities Implications:

- 7.3 The Department of Transport had planned to make taxi accessibility regulations under the Equality Act 2010 but it appears that the majority of taxi regulations will not now be implemented but those relating to carrying assistance dogs

To issue extra licences each year will counter criticism that the hackney carriage vehicle licence waiting list may be discriminatory because it does not move as no extra licences are issued.

With only some 6% of persons with a disability nationally being wheelchair users. By concentrating on WAV's some 94% of the total may be being inconvenienced or inadvertently discriminated against.

Sustainability Implications:

- 7.4 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.

Crime & Disorder Implications:

- 7.5 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.

Risk and Opportunity Management Implications:

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

Corporate / Citywide Implications:

- 7.7 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: A

Executive Summary and Recommendations of Survey

Appendices: B

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2005 (Department for Transport)

Appendices: 1

Survey of demand for Hackney Carriages (CTS Traffic and Transportation Ltd)

Appendices: 2

List of Ranks

Appendices: 3

Hours observed at ranks

Appendices: 4

Detailed rank observation results

Appendices: 5

On street interview results

Appendix A

Executive Summary from CTS Report

This Survey of demand for hackney carriage services has been undertaken on behalf of Brighton and Hove following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history in regard to unmet demand. This Executive Summary draws together key points from the main report that are needed to allow a committee to determine from the facts presented their current position in regard to the policy of limiting hackney carriage vehicle licences according to Section 16 of the 1985 Transport Act. It is a summary of the main report which follows and should not be relied upon solely to justify any decisions of a committee but must be read in conjunction with the full report below.

This latest in the regular series of reviews of the level of unmet demand in the Brighton and Hove licensing area was undertaken between February and October 2018. This review has included a test of demand in Spring as well as the main test undertaken at the same time as in the previous survey and has specifically considered the policies of increasing WAV levels and managed plate growth in addition to the more usual standard brief.

The authority continues to support development of the licensed vehicle fleet as an important part of the transport offer of the area. The managed growth of vehicle plates on the hackney carriage side appears to have mirrored private hire growth which is in theory purely provided by the market. The overall industry structure allows a lot of freedom in operating models but as a result is very complex. Recent changes to see drivers having licences allowing them to drive either private hire or hackney carriage has reduced some of this complexity.

The early period rank observations suggested lower demand levels at the two key council ranks and no evidence that demand might have increased to provide any option for unmet demand in the area to have become significant. A wider review of rank activity in May found some 27% less demand observed at ranks now compared to the similar period in 2015. Even this picture, however, was complex since some ranks had seen growth whilst the main decline was at the station rank. There had also been national reduction in usage figures for passengers at Brighton station although not to the level the main rank itself had shown decline.

The area continues to see rank activity at some location in nearly every hour of the week. The hackney carriage fleet continues to be active in plying for hire, often covering several quiet locations by passing by regularly. Unmet demand measured in various different ways was always low, with just 2% of observed hours seeing average passenger delays a minute or more, with just 20 passengers during the survey period waiting 11 minutes or more for a vehicle to arrive.

Observed levels of service were found to be provided by around 43% of the fleet on the busiest, Saturday. Within these observations, 17% were other than Brighton and Hove hackney carriages, although in effect just 4% were out of town vehicles. However, it is hard to capture all out of town activity since many find other locations to be active. This would have required much more extensive surveys.

Public interviews found a reduced level of usage of licensed vehicles, but a more marked decline for hackney carriages despite people finding them very obvious. The level of people not remembering using hackney carriages had significantly increased. Whilst app-based options had become the third highest way of 'booking' a vehicle, the top two booking companies still retain high levels of hackney carriages operating on their circuits. People's knowledge of ranks appeared to have reduced. Latent demand had increased although so had levels of satisfaction with the service provided. It may be that increased latent demand is a result of higher levels of expectation.

The trade remains very responsive to assisting the study, both from the individual and from the trade body / company levels. Of those responding, few were entirely dependent on ranks. Levels of accepting pre-bookings, and of hailing were both high.

53% of all trade respondents in the driver survey supported the present managed growth policy. Private hire supported the policy most strongly, followed by owner-drivers and then those that rented, although the latter support was not much less than the overall levels. A key concern was trade being taken by non-Brighton vehicles.

The level of unmet demand and the index of significance of unmet demand itself were both the lowest seen in recent surveys.

Levels of WAV activity were higher at ranks than the actual proportion in the fleet. However, the level of observed wheel chair-based passengers remained similar to the levels in the last two surveys.

Overall, this survey suggests the rank-based market has reduced, although hailing has remained strong and the introduction of apps has also seen demand switch from various sources to their use. Recent introduction of a hackney carriage app has been positive although this remains in its early days. At this time, the level of confidence that unmet demand is unlikely to become significant is higher than ever. It also appears that continually improved levels of service have also increased user expectations.

The hackney carriage fleet at this time is less dependent on rank-based hires than it ever has been. While a case could be made that the extra five plates per year could be switched off, wider views suggest this level of plate issue

continues to keep a reasonable balance between the hackney carriage and private hire sides of the trade. There is also scope for work levels to be increased with further reduction in the levels of inappropriately met demand that is tolerated.

Further, there is need to consider the upcoming issues of vehicle emissions within the mix of policies being used. It appears that the 'best' level of WAV for this area might be 50%, a level the fleet is now currently at, so that the focus of fleet change could now switch to encouraging improved vehicle emissions whilst ensuring the level of achievement on the WAV side remains.

Recommendations from CTS Report

On the basis of the evidence gathered in this Survey of demand for hackney carriages services for Brighton and Hove, our key conclusion is that there is no evidence of any unmet demand for the services of hackney carriages either patent or latent which is significant at this point in time in the Brighton and Hove licensing area. The committee is therefore able to consider retaining its present limit on hackney carriage vehicle numbers and to be able to support this against any challenge if required.

The options open to the committee therefore include the following:

- Retain limit at current level, removing the managed growth
- Continue managed growth for WAV
- Revise managed growth to switch to focus on environmental matters rather than WAV
- Remove the limit altogether (with various possible options from with no further restriction to quality controls such as in favour of environmentally friendly vehicle options).

At the same time the related policy regarding all replacement vehicles having to become WAV also needs reconsideration.

Further thoughts are provided in the previous chapter giving reasons why particular options might be preferable at this time. Further discussion can occur at the presentation of this report if necessary.

Appendix: B

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2005 (Department for Transport)

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

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

Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice.

Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in deterioration in the amount or quality of taxi service provision?

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

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

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

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

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process.



Brighton and Hove City Council
Survey of demand for hackney carriage services

October 2018

Executive Summary

This Survey of demand for hackney carriage services has been undertaken on behalf of Brighton and Hove following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history in regard to unmet demand. This Executive Summary draws together key points from the main report that are needed to allow a committee to determine from the facts presented their current position in regard to the policy of limiting hackney carriage vehicle licences according to Section 16 of the 1985 Transport Act. It is a summary of the main report which follows and should not be relied upon solely to justify any decisions of a committee but must be read in conjunction with the full report below.

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The authority continues to support development of the licensed vehicle fleet as an important part of the transport offer of the area. The managed growth of vehicle plates on the hackney carriage side appears to have mirrored private hire growth which is in theory purely provided by the market. The overall industry structure allows a lot of freedom in operating models but as a result is very complex. Recent changes to see drivers having licences allowing them to drive either private hire or hackney carriage has reduced some of this complexity.

The early period rank observations suggested lower demand levels at the two key council ranks and no evidence that demand might have increased to provide any option for unmet demand in the area to have become significant. A wider review of rank activity in May found some 27% less demand observed at ranks now compared to the similar period in 2015. Even this picture, however, was complex since some ranks had seen growth whilst the main decline was at the station rank. There had also been national reduction in usage figures for passengers at Brighton station although not to the level the main rank itself had shown decline.

The area continues to see rank activity at some location in nearly every hour of the week. The hackney carriage fleet continues to be active in plying for hire, often covering several quiet locations by passing by regularly. Unmet demand measured in various different ways was always low, with just 2% of observed hours seeing average passenger delays a minute or more, with just 20 passengers during the survey period waiting 11 minutes or more for a vehicle to arrive.

Observed levels of service were found to be provided by around 43% of the fleet on the busiest, Saturday. Within these observations, 17% were other than Brighton and Hove hackney carriages, although in effect just 4% were out of town vehicles. However, it is hard to capture all out of town activity since many find other locations to be active. This would have required much more extensive surveys.

Public interviews found a reduced level of usage of licensed vehicles, but a more marked decline for hackney carriages despite people finding them very obvious. The level of people not remembering using hackney carriages had significantly increased. Whilst app-based options had become the third highest way of 'booking' a vehicle, the top two booking companies still retain high levels of hackney carriages operating on their circuits. Peoples' knowledge of ranks appeared to have reduced. Latent demand had increased although so had levels of satisfaction with the service provided. It may be that increased latent demand is a result of higher levels of expectation.

The trade remains very responsive to assisting the study, both from the individual and from the trade body / company levels. Of those responding, few were entirely dependent on ranks. Levels of accepting pre-bookings, and of hailing were both high.

53% of all trade respondents in the driver survey supported the present managed growth policy. Private hire supported the policy most strongly, followed by owner-drivers and then those that rented, although the latter support was not much less than the overall levels. A key concern was trade being taken by non-Brighton vehicles.

The level of unmet demand and the index of significance of unmet demand itself were both the lowest seen in recent surveys.

Levels of WAV activity were higher at ranks than the actual proportion in the fleet. However, the level of observed wheel chair-based passengers remained similar to the levels in the last two surveys.

Overall, this survey suggests the rank-based market has reduced, although hailing has remained strong and the introduction of apps has also seen demand switch from various sources to their use. Recent introduction of a hackney carriage app has been positive although this remains in its early days. At this time, the level of confidence that unmet demand is unlikely to become significant is higher than ever. It also appears that continually improved levels of service have also increased user expectations.

The hackney carriage fleet at this time is less dependent on rank-based hires than it ever has been. While a case could be made that the extra five plates per year could be switched off, wider views suggest this level of plate issue continues to keep a reasonable balance between the hackney carriage and private hire sides of the trade. There is also scope for work levels to be increased with further reduction in the levels of inappropriately met demand that is tolerated.

Further, there is need to consider the upcoming issues of vehicle emissions within the mix of policies being used. It appears that the 'best' level of WAV for this area might be 50%, a level the fleet is now currently at, so that the focus of fleet change could now switch to encouraging improved vehicle emissions whilst ensuring the level of achievement on the WAV side remains.



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1 General introduction and background

Brighton and Hove City Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the Council area and is the licensing authority for this complete area. Further details of the local application of Section 16 of the 1985 Transport Act with regard to limiting hackney carriage vehicle numbers is provided in further Chapters of this report. Hackney carriage vehicle licences are the only part of licensing where such a stipulation occurs and there is no legal means by which either private hire vehicle numbers, private hire or hackney carriage driver numbers, or the number of private hire operators can be limited without revision to primary legislation.

This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to meet section 16 of the Transport Act 1985 “that the grant of a hackney carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages within its local area, which is unmet.” This terminology is typically shortened to “no SUD”.

Current hackney carriage, private hire and operator licensing is undertaken within the legal frameworks first set by the Town Police Clauses Act 1847. This has been amended and supplemented by various following legislation including the Transport Act 1985, Section 16 in regard to hackney carriage vehicle limits, and by the Local Government Miscellaneous Provisions Act 1976 with reference to private hire vehicles and operations. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law.

Beyond legislation, the experience of the person in the street tends to see both hackney carriage and private hire vehicles both as ‘taxis’ – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term ‘licensed vehicles’ to refer to both hackney carriage and private hire.

The legislation around licensed vehicles and drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. The three most recent reviews were by the Office of Fair Trading in 2003, through the production of the BPG in 2010, and the Law Commission review which published its results in 2014. None of these resulted in any material change to the legislation involved in licensing.

The upshot of all these reviews in respect of the principal subject of this survey is that local authorities retain the right to restrict the number of hackney carriage vehicle licenses. The Law Commission conclusion included retention of the power to limit hackney carriage vehicle numbers but utilizing a public interest test determined by the Secretary of State. It also suggested the three-year horizon also be used for rank reviews and accessibility reviews. However, there is currently no expected date either for publication of the Government response to the Law Commission, nor indeed any plans for revisions to legislation.

A more recent restriction, often applied to areas where there is no 'quantity' control felt to exist per-se, is that of 'quality control'. This is often a pseudonym for a restriction that any new hackney carriage vehicle licence must be for a wheel chair accessible vehicle, of various kinds as determined locally. In many places this implies a restricted number of saloon style hackney carriage licences are available, which often are given 'grandfather' rights to remain as saloon style.

Within this quality restriction, there are various levels of strength of the types of vehicles allowed. The tightest restriction, now only retained by a few authorities only allows 'London' style wheel chair accessible vehicles, restricted to those with a 25-foot turning circle, and at the present time principally the LTI Tx, the Mercedes Vito special edition with steerable rear axle, and the Metrocab (no longer produced). Others allow a wider range of van style conversions in their wheel chair accessible fleet, whilst some go as far as also allowing rear-loading conversions. Given the additional price of these vehicles, this often implies a restriction on entry to the hackney carriage trade.

Some authorities do not allow vehicles which appear to be hackney carriage, i.e. mainly the London style vehicles, to be within the private hire fleet, whilst others do allow wheel chair vehicles. The most usual method of distinguishing between hackney carriages and private hire is a 'Taxi' roof sign on the vehicle, although again some areas do allow roof signs on private hire as long as they do not say 'Taxi', some turn those signs at right angles, whilst others apply liveries, mainly to hackney carriage fleets, but sometimes also to private hire fleets.

After introduction of the 1985 Transport Act, Leeds University Institute for Transport Studies developed a tool by which unmet demand could be evaluated and a determination made if this was significant or not. The tool was taken forward and developed as more studies were undertaken. Over time this 'index of significance of unmet demand' (ISUD) became accepted as an industry standard tool to be used for this purpose. Some revisions have been made following the few but specific court cases where various parties have challenged the policy of retaining a limit.

Some of the application has differed between Scottish and English authority's. This is mainly due to some court cases in Scotland taking interpretation of the duty of the licensing authority further than is usual in England and Wales, requiring current knowledge of the status of unmet demand at all times, rather than just at the snap-shot taken every three years.

The DfT asked in writing in 2004 for all licensing authorities with quantity restrictions to review them, publish their justification by March 2005, and then review at least every three years since then. In due course, this led to a summary of the government guidance which was last updated in England and Wales in 2010 (but more recently in Scotland).

The BPG in 2010 also provided additional suggestions of how these surveys should be undertaken, albeit in general but fairly extensive terms. A key encouragement within the BPG is that "an interval of three years is commonly regarded as the maximum reasonable period between surveys". BPG suggests key points in consideration are passenger waiting times at ranks, for street hailings and telephone bookings, latent and peaked demand, wide consultation and publication of "all the evidence gathered".

The most recent changes in legislation regarding licensed vehicles have been enactment of the parts of the Equality Act related to guidance dogs (sections 168 to 171, enacted in October 2010), the two clauses of the Deregulation Act which were successful in proceeding, relating to length of period each license covers and to allowing operators to transfer work across borders (enacted in October 2015), and most recently enactment of Sections 165 and 167 of the Equality Act, albeit on a permissive basis (see below).

In November 2016, the DfT undertook a consultation regarding enacting Sections 167 and 165 of the Equality Act. These allow for all vehicles capable of carrying a wheel chair to be placed on a list by the local council (section 167). Any driver using a vehicle on this list then has a duty under section 165 to:

- Carry the passenger while in the wheel chair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheel chair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

This was enacted from April 2017. There remains no confirmation of any timetable for instigating either the remainder of the Equality Act or the Law Commission recommendations, or for the update of the BPG.

In respect to case law impinging on unmet demand, the two most recent cases were in 1987 and 2002. The first case (*R v Great Yarmouth*) concluded authorities must consider the view of significant unmet demand as a whole, not condescending to detailed consideration of the position in every limited area, i.e. to consider significance of unmet demand over the area as a whole.

R v Castle Point considered the issue of latent, or preferably termed, suppressed demand consideration. This clarified that this element relates only to the element which is measurable. Measurable suppressed demand includes inappropriately met demand (taken by private hire vehicles in situations legally hackney carriage opportunities) or those forced to use less satisfactory methods to get home (principally walking, i.e. those observed to walk away from rank locations).

In general, industry standards suggest that the determination of conclusions about significance of unmet demand must take into account the practicability of improving the standard of service through the increase of supply of vehicles. It is also important to have consistent treatment of authorities as well as for the same authority over time, although apart from the general guidance of the BPG there is no clear stipulations as to what this means in reality.

During September 2018 the All-Party Parliamentary Group on taxis produced its long-awaited Final Report. There was a generally accepted call for revision to taxi licensing legislation and practice, including encouragement for local authorities to move towards some of the practical suggestions made within the Report. However, the Report has no legislative backing and the key conclusion was that the Government needed to act firstly to revise the 2010 BPG but then to move to revisions to primary legislation as soon as practicable. Despite some opposition from members of the group, the right to retain limits on hackney carriage vehicle numbers was supported, with many also supporting adding a tool which would allow private hire numbers to be limited where appropriate, given reasonable explanation of the expected public interest gains.

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers.

These are split between hackney carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a private hire vehicle without such a properly made booking, they are not generally considered to be insured for their journey.

2 Local background and context

Key dates for this Survey of demand for hackney carriage services for Brighton and Hove are:

- appointed LVSA on 22 January 2018
- in accordance with our proposal of January 2018
- as confirmed during the inception meeting for the survey held on 27th February 2018
- this survey was carried out between February and October 2018
- On street pedestrian survey work occurred in March and April 2018
- the video rank observations occurred in March and May 2018
- Licensed vehicle driver opinions and operating practices were canvassed by discussion with trade representatives (and an invite to all trade groups to provide input), and an all-driver questionnaire issued by the Council in paper format but returned to us either in paper or by use of an on-line portal
- Key stakeholders were consulted throughout the period of the survey
- A draft of this Final Report was reviewed by the client during October 2018
- and reported to the appropriate Council committee towards the end of 2018.

For the sake of clarity, it should be noted that LVSA – Licensed Vehicle Surveys and Assessment is a joint trading name for CTS Traffic and Transportation Ltd (CTS) and Vector Transport Consultancy, a name used since early 2017. The 2015 survey was undertaken by the same Project Manager as this study, but with CTS working as sub-contractors to Peter Brett and Associates (PBA) due to contractual arrangements by the Council at that time.

Brighton and Hove City Council is a unitary authority formed in 1997 and granted City status in 2001. It is within the former East Sussex county area of Southern England. The authority has a current population of 291,200 using the 2018 estimates currently available from the 2011 census. This is an increase from the 281,100 quoted during the last survey in 2015.

In terms of background council policy, Brighton and Hove City Council, with its unitary status has full control over background planning, transport and highway policy and activities. This means the council retains full control over provision of ranks, albeit within the highways section of the Council.

The LTP adopted by the City in March 2015, known as LTP4, remains current, as it was in 2015, providing a long-term strategy for delivering transport improvements ahead to 2030. The short-term delivery plan focussing up to 2018/19 is still being implemented.

The preparatory surveys for LTP4 sought identification of aspects important to people. 2.4% of respondents said that local taxis were the most important service to them. Less than 1% suggested they were most in need of improvement, suggesting a valued and appreciated service. During the course of this survey no evidence has been found to doubt this conclusion.

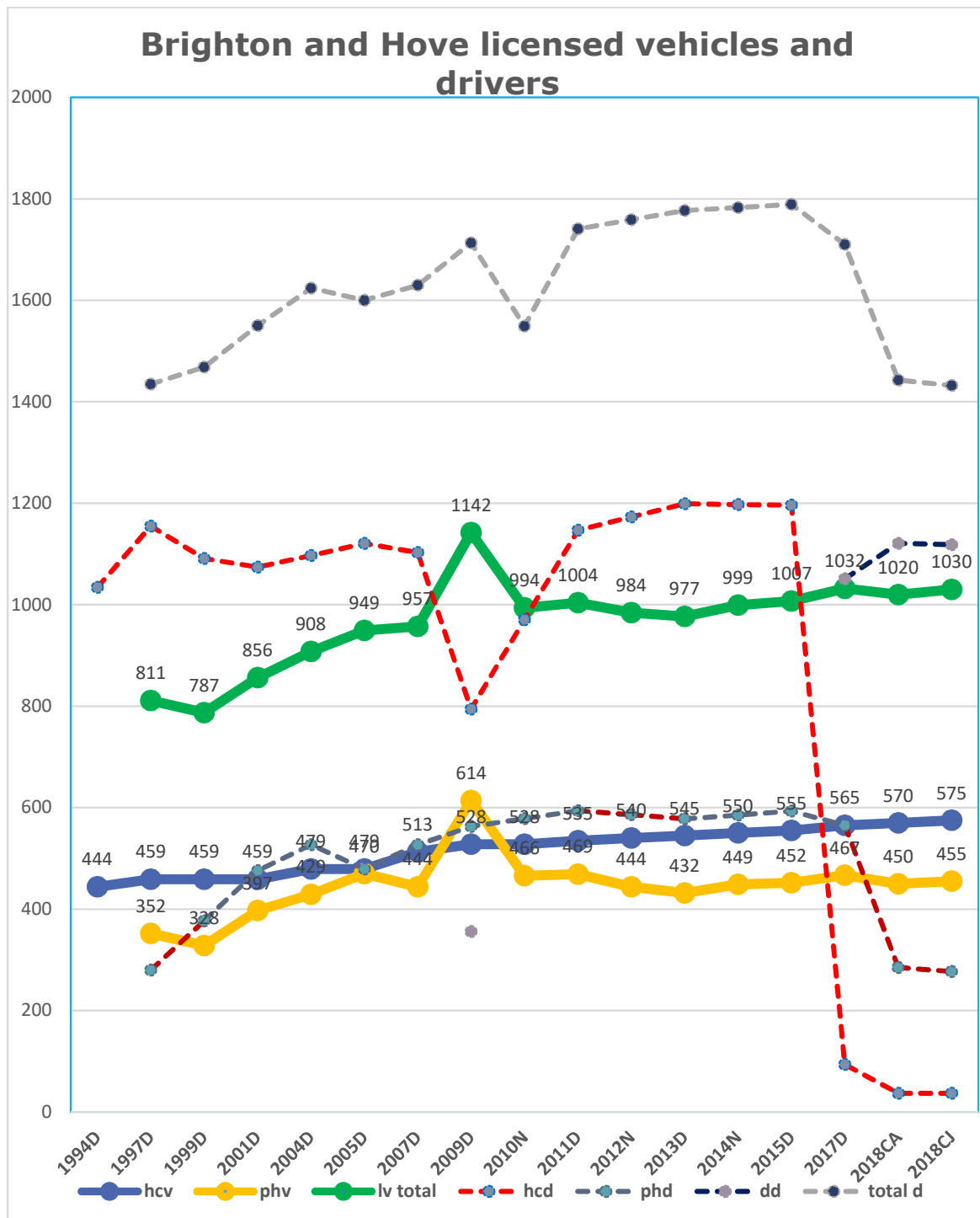
The City considers taxi ranks as one of a number of key vehicle/people interchanges which need investment to enhance neighbourhoods and destinations for people for whom there are key delivery programmes.

Brighton and Hove City has full powers over licensing the vehicles, drivers and operators serving people within their area. Brighton and Hove has chosen to utilize its power to limit hackney carriage vehicle numbers, and as far as we are aware has done so since 1986. It is one of the most rigorous councils with respect to undertaking reviews of its unmet demand policy, with previous tests undertaken and available from 2015 right back to 2003.

By drawing together published statistics from both the Department for Transport (D) and the National Private Hire Association (N), supplemented by private information from the licensing authority records (C), recent trends in vehicle, driver and operator numbers can be observed. The detailed numbers supporting the picture below are provided in Appendix 1. Due to the comparative size, the operator figures are shown in the second picture. The current managed growth policy sees five extra hackney carriage licences issued each year, with the latest tranche having been issued and put on the road after our rank and on-street interviews had been completed.

The graph demonstrates the steady growth of hackney carriage vehicle numbers under the managed growth policy. This has seen an increase in the fleet of some 25% from 1997 to date. During that same period, private hire vehicle numbers, which cannot be limited and in theory should represent the market have grown 29%, although they did have a possible peak much higher in 2009, although that might be a statistical error. Private hire vehicle numbers had grown since the last survey, but then fell back, but have grown in the period since the survey was undertaken.

The major change since 2015 has been the introduction of dual licensing for drivers of vehicles. This is shown by the graph with sharp drops for the single options but with the overall impact being a drop in the total number on issue as duplication has now generally been removed. This therefore gives a much better reflection of the actual number of people available to drive the vehicles, since before there could be people with two licences, who of course could not drive both vehicles at the same time.

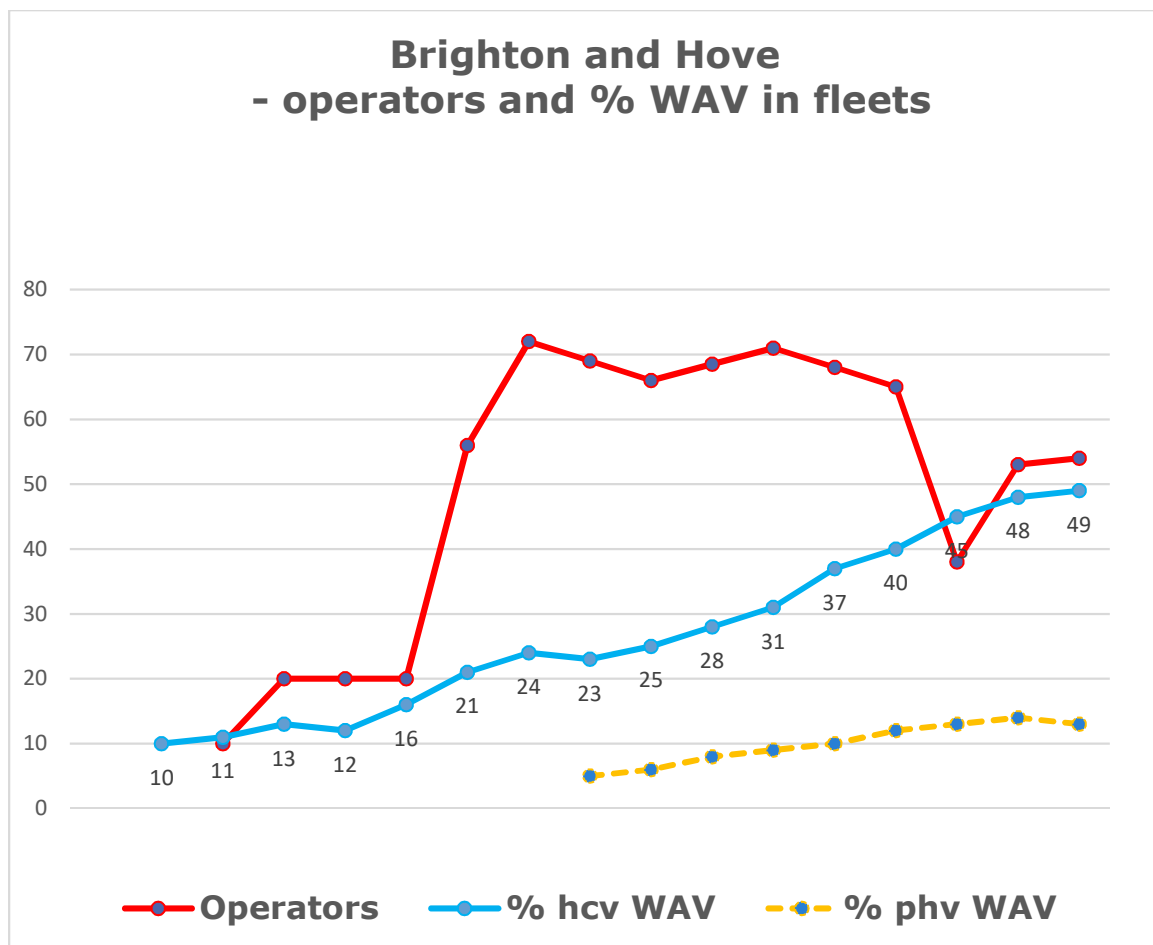


Licensing Statistics from 1994 to date

Information is also available from these sources to show how the level of wheel chair accessible vehicles (WAV) has varied. It must be noted that in most cases the values for the private hire side tend to be much more approximate than those on the hackney carriage side, as there is no option to mandate for private hire being wheel chair accessible.

In some areas, to strengthen the ability of the public to differentiate between the two parts of the licensed vehicle trade, licensing authorities might not allow any WAV in the private hire fleet at all. Many authorities with fully wheel chair accessible vehicles in the hackney carriage fleet either do not have any such vehicles in the private hire fleet, or do not record them, even if they are allowed.

The graph below demonstrates the continued growth of WAV within the hackney carriage fleet, arising not only from the extra five plates having to be WAV but also from the continuing policy that replacement vehicles must also become WAV style. Interestingly, the level of WAV in the private hire fleet, having shown steady increase, reduced in the period after the latest survey, suggesting these vehicles might have transferred to the hackney carriage new plates. Operator numbers had reduced, but are now growing again yet remain less than the very high level seen between 2007 and the last survey.



Operator numbers and levels of WAV provision in the fleet

Brighton and Hove undertake regular review of its policy to limit hackney carriage vehicle numbers in line with the BPG. The previous surveys were in 2015, 2012, 2009, 2006 and 2003, one of the best and most rigorous reviews of policy across English licensing areas. This rigour is enhanced by the fact that all of these reports remain available so that evidence of why the limit was retained is at a maximum.

Current fleet structure

Whilst generally the overall structure of the local licensing industry is fairly straight forward, the actual number of specific restrictions on activity are kept to a reasonable minimum to allow flexibility of business models for those in the licensed vehicle trade. This, however, does lead to significantly complex overall structures within the Brighton and Hove City operation. This section has used the current driver, vehicle and operator statistics to seek to identify present structures, partly to understand the levels of sharing of vehicles.

Brighton and Hove has a mixed hackney carriage vehicle fleet, with both saloon and WAV style vehicles allowed. A wide range of WAV styles are allowed, including some rear loading vehicles. Further, there are no restrictions on the number of vehicles a person or company can own, and till recently a person could hold both a hackney carriage and a private hire driver licence (and at the present time some people still do, in fact a small number have an overlap between their new dual licence and their old pair of licences).

The key reason for including this analysis in this report is that drivers without their own vehicle can often be a high pressure point for wanting their own vehicle, which can put pressure on plates where there is a limit policy. This may not relate to classic unmet demand, but more a wish for a person to be able to avoid rental fees (but these are replaced by having to take on the full costs of vehicle ownership, which are not trivial).

The database used from July 2018 showed the following:

- 1,117 dual drivers
- 38 hackney only drivers
- 286 private hire drivers
- 575 hackney carriage vehicles with 516 owners
- 452 private hire vehicles with 424 owners
- Nine operators with three or more vehicles
- Between 67 and 75 operators with just one or two vehicles (with some duplication between names giving the variation)

As already mooted above, the current English licensed vehicle trade operates under a wide range of business models. Brighton and Hove City seeks to provide freedom to as many of these models as possible although other licensing areas may not be so tolerant, for various reasons. The range includes:

- Single owner/driver hackney carriage operations
- Single owner/driver private hire operations who also must have an operator licence
- Small companies who may or may not own vehicles
- Larger companies who may or may not own vehicles, or may have a mix, or may operate as a co-operative of owner/drivers

At the present time in Brighton and Hove City our evaluation of the database suggests:

- Nine people with hackney carriage vehicles and driver badges
- 353 people with hackney carriage vehicles and dual driver badges
- 172 people with private hire vehicles and private hire driver badges
- 137 people with private hire vehicles and dual driver badges
- 21 people with a private hire vehicle, a private hire drivers' badge and an operator licence
- 20 hackney carriage drivers without vehicles
- 63 private hire drivers without vehicles
- 578 dual drivers without vehicles
- A range of other mixtures of the above

There are on paper 59 hackney carriages and 28 private hire vehicles in multiple ownership (additional to allowing one vehicle each that they drive), and therefore clearly available for rent as no-one can physically drive two vehicles at the same time (although some people may own two vehicles to use at different times for different purposes). However, there are around 150 hackney carriages and 115 private hire owned by people who do not have their own driver licence. Further, any vehicle already owned and driven can also be made available for rent. This should imply more than enough choice for people wishing to rent a vehicle. Our figures suggest there are in the order of 660 drivers who do not own their own vehicle, although this may include some people who only drive occasionally, such as business owners who like to retain flexibility, or people who have left the trade but have not cancelled their licence.

Further discussion of these figures occurs in the synthesis section of the report.

3 Patent demand measurement (rank surveys)

As already recorded in Chapter 2, control of provision of on-street ranks in Brighton and Hove is in the control of the highway section of the City Council itself, which should maximise flexibility in change, although in actuality being part of a different part of the Council may still leave issues in getting new ranks, particularly as the highway section has the responsibility to oversee the full transport requirements of the City.

Appendix 2 provides a list of ranks in Brighton and Hove at the time of this current survey. Discussions were held with the licensing section and trade, internet checks were made and some site visits undertaken to identify the current active ranks, and to select a suitable sample for the review of unmet demand and its significance. Our methodology involves a current review both in advance of submitting our proposal to undertake this Survey and at the study inception meeting, together with site visits where considered necessary. This provides a valid and appropriate sample of rank coverage which is important to feed the numeric evaluation of the level of unmet demand, and its significance (see discussion in Chapter 7). The detailed specification of the hours included in the sample is provided in Appendix 3.

Further, for this study, an initial review was undertaken at the two busiest local authority ranks to test if there was any suggestion that levels of unmet demand might have become significant since the previous survey. This excluded the station rank which needs a separate permit as any unmet demand there cannot be easily influenced by the council adding new licences due to the additional restrictions and cost. The rationale was that the two busiest ranks would be the most likely places that unmet demand might be observed. The comparison also covered the two busiest 24-hour periods expected, i.e. from early Friday morning through to early Sunday morning.

This initial test, undertaken during March 2018, found expected weekly estimated flows which were 13% less at the busiest location, and 10% less at the second location tested. During the 96 hours covered over the two sites, just one hour had an average passenger delay in the hour over a minute, with just two passengers having waits of around six minutes for a vehicle to arrive. Overall, 1% of passengers experienced a wait, with overall average passenger delay at these two sites over the two days of just a second. Overall, this suggested any propensity towards unmet demand being significant in the area was very likely to have reduced, and also provided suggestion that hackney carriage demand overall would be reduced in this survey.

The full rank survey work was undertaken at a similar time to the previous survey, during May 2018. An agreed set of observations were undertaken, although to add comfort additional observations were undertaken at sites on a 'quick watch' basis with some of those hours having passenger data included into the evaluation to ensure the results were even more robust. The overall result reduced estimated weekly flows using the extra detail by around 3%, suggesting our factors being used to generate the full week were slightly more optimistic than in reality, a further robust assumption in our estimates.

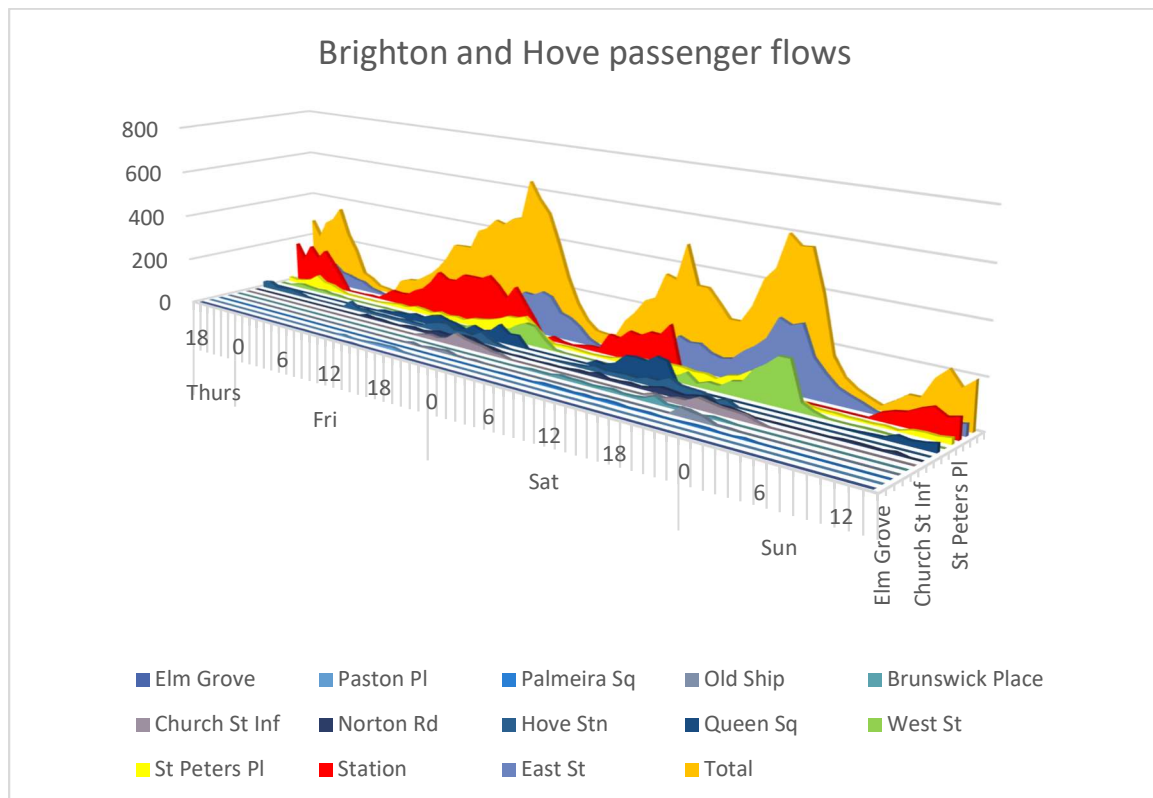
The table below presents the 2018 results and compares them to available information from previous surveys.

Rank	Passengers per week, 2018 survey	% of total demand at location, 2018	Passengers per week, 2015 survey	% of total demand at location	Passengers per week 2012 survey
Station (private)	14,872	37	21,915	40	15,115 (41)
East Street	10,722	27	14,696	27	6,043 (16)
St Peter's Place	3,760	9	4,093	7.5	1,957 (5)
Queen Square	2,644	7	2,595	5	2,777 (7)
Hove Station	2,143	5	1,717	3	2,093 (6)
West Street	1,800	5	2,710	5	3,370 (9)
Norton Road	1,321	3	1,460	2.5	1,202 (3)
Church Street (informal)	1,085	3	2,626	5	n/a
Paston Place	438	1.1	1,402	2.5	1,090 (3)
Brunswick Place	432	1.1	469	0.9	692 (2)
Old Ship	398	1	445	0.8	2,254 (6)
Church Road	330	0.8	450	0.8	451 (1)
Elm Grove	4	0.0	22	0.0	27 (0.0)
Goldstone Villas	n/a		n/a		145 (0.0)
Total	39,949		54,600		
Growth from 2015			-27%		
Comparison to previous surveys					
		From 2003	From previous		
2018		+7%	-27%		39,949
2015		+46%	+47%		54,600
2012		-1%	-29%		37,216
2009		+40%	+13%		52,542
2006			+23%		46,308
2003					37,500

The key result from this table suggests a clear reduction in usage of hackney carriages at ranks of some 27% since the last survey in 2015. This takes observed usage levels to just 7% more than the level in 2003. However, this is not the first such reduction, with a similar effect occurring between 2009 and 2012.

In terms of share between different ranks, the station has slightly reduced its dominance, being the rank seeing the largest reduction in passengers of nearly a third. East Street has the same share, but the next three ranks have all seen proportional increases in their usage levels (with both Queens Square and Hove station ranks actually seeing an increase in passenger usage). Paston Place and the informal Church Street location both saw significant reductions in usage (the latter might relate to the impact of construction works in that location in 2018).

All the passenger rank usage information was drawn together to present the observed flows in the picture below:



It should be noted that this represents only hours actually observed and recorded, hence the gap in the Station data for Saturday. It further confirms that whilst there are a lot of active ranks in the Brighton and Hove licensing area, the main contribution to hackney carriage rank usage comes from the Station, East Street, St Peter's Place and West Street.

Whilst there is clearly higher levels of usage on Fridays and then more on Saturdays, even allowing for adding in the Station flows on the Saturday afternoon, the Saturday level is not significantly higher than Friday. Even weekday flows are not as low as in many other places.

Review of the hour by hour total flows across the authority area found no period when there was not use of a hackney carriage from a rank at one point or another. The picture also clearly shows that most of the smaller-used locations are providing more than a nominal contribution, demonstrating hackney carriages to be available across the area and over time wherever demand exists.

From the general watching of other information not actually included in full detail (e.g. the other hours at the Station and other days at the smaller ranks), most active ranks tend to have one or two vehicles there nearly covering all hours. In the cases where demand is very low, vehicles may not actually wait but we clearly observed any vehicle that was out and about regularly checking ranks in case any passenger was waiting. For some locations more on the main traffic routes, such as Palmeira Square, the focus was much more on passing vehicles ensuring the rank was covered, with many examples of passengers hailing a moving vehicle from such locations.

We also identified that the Station rank, requiring an extra permit, does have a period when it is physically closed, from 01:30 to 03:30 each and every day. This includes very clear barring of access, at which point cleaning is undertaken by the Station staff.

Overall passenger service

The overall delay information was also reviewed. Of the 548 hours included in the passenger usage rank information, just 11 (2%) saw hours with average passenger delay of a minute or more. This covered 365 passengers, 2% of the overall total travelling in those hours. A further 36 hours making in total just under 9% of observed hours saw average passenger delay that was not zero. This saw a further 12% of travelling passengers. Just 20 passengers, in five different hours, experienced a wait of 11 minutes or more for a hackney carriage to arrive at a rank. Given the overall high volumes travelling, this is a very good service, and far from any potential for unmet demand to be significant (further information regarding this is provided in the specific chapter about unmet demand below.)

Vehicle activity

A test was undertaken on the Saturday to identify the level of hackney carriage vehicle activity which equated to the service levels provided. During the course of our sample observations, some 444 separate different vehicle movements were identified. Of these, 17% were not hackney carriages. Of these, 75% were actually local Brighton and Hove private hire vehicles. The remaining identifiable vehicles were split between various out of town authorities, although it was not always possible to discriminate from where.

Some 367 different Brighton and Hove hackney carriage movements were recorded in our sample. These accounted for some 43% of the current valid hackney carriage plates on issue at the present time. This suggests that the service provided on the Saturday afternoon and evening was covered by less than half the fleet. Even allowing for our observations being a sample, this still implies there is spare capacity available in the fleet to meet higher demand.

Disability Usage

For all rank hours for which detailed observations were undertaken, a record was made if the vehicle appeared to be a saloon or a wheel chair accessible style. 59% of all vehicles recorded as local hackney carriages appeared to be WAV style – a higher proportion than the 48% in the fleet at the time of the survey. This suggests the WAV style fleet tends to be more active at ranks than the saloon style fleet.

During our survey, six people accessed hackney carriages at ranks in wheel chairs. This is a moderate level of usage – about the same as seen in 2012 and 2015 surveys. These 2018 examples were at five different rank locations, including one of the lesser used ranks. A further 16 people were observed to have some sort of disability, but not a wheel chair. These people were observed at seven different rank locations. This suggests a good spread of actual usage of hackney carriages by those needing either WAV or assistance into vehicles.

Rank usage by other vehicles

A review was also undertaken of other vehicle types observed at or near the ranks which were watched in detail. During our survey, some 28,665 different vehicle movements were logged. Of this total, 96% were actually hackney carriage vehicles, suggesting a generally high level of compliance with ranks by other vehicles. Cars abused ranks about 2% of the time, with some small levels of abuse by goods vehicles, emergency services and local private hire, but not too much overall. The highest proportion, the remaining 2% was in fact vehicles identified as 'out of town' licensed vehicles at or near the ranks. Whilst relatively small, this number is clearly recording the known issue regarding such vehicles.

Interestingly, the worst location for these out of town vehicles appeared to be the private station rank. This was followed by West Street, East Street, the Old Ship hotel location and the informal Church Street location.

4 General public views

It is very important that the views of people within the area are obtained about the service provided by hackney carriage and private hire. A key element which these surveys seek to discover is specifically if people have given up waiting for hackney carriages at ranks (the most readily available measure of latent demand). However, the opportunity is also taken with these surveys to identify the overall usage and views of hackney carriage and private hire vehicles within the study area, and to give chance for people to identify current issues and factors which may encourage them to use licensed vehicles more.

Such surveys can also be key in identifying variation of demand for licensed vehicles across an area, particularly if there are significant areas of potential demand without ranks, albeit in the context that many areas do not have places apart from their central area with sufficient demand to justify hackney carriages waiting at ranks.

These surveys tend to be undertaken during the daytime period when more people are available, and when survey staff safety can be guaranteed. Further, interviews with groups of people or with those affected by alcohol consumption may not necessarily provide accurate responses, despite the potential value in speaking with people more likely to use hackney carriages at times of higher demand and then more likely unmet demand. Where possible, extension of interviews to the early evening may capture some of this group, as well as some studies where careful choice of night samples can be undertaken.

Our basic methodology requires a sample size of at least 200 to ensure stable responses. Trained and experienced interviewers are also important as this ensures respondents are guided through the questions carefully and consistently. A minimum sample of 50 interviews is generally possible by a trained interviewer in a day meaning that sample sizes are best incremented by 50, usually if there is targeting of a specific area or group (eg of students, or a sub-centre), although conclusions from these separate samples can only be indicative taken alone.

It is normal practice to compare the resulting gender and age structure to the latest available local and national census proportions to identify if the sample has become biased in any way.

More recently, general public views have been enlisted from the use of council citizens' panels although the issue with these is that return numbers cannot be guaranteed. The other issue is that the structure of the sample responding cannot be guaranteed either, and it is also true that those on the panel have chosen to be there such that they may tend to be people willing to have stronger opinions than the general public randomly approached.

Finally, some recent surveys have placed an electronic copy of the questionnaire on their web site to allow interested persons to respond, although again there needs to be an element of care with such results as people choosing to take part may have a vested interest.

For this survey, 350 interviews were obtained with 150 in the Brighton shopping area, 150 in the Hove shopping area, and 50 in London Road near to Brighton station. The sample said 49% had access to a car (very similar to 2015), with 72% saying they lived in the area. The sample exactly matched the expected gender profile to the 2018 census information, but interviewed a slightly larger proportion of the lowest age group (33% compared to 30% in the census), with a lot more of the central age interviewed (56% compared to 42% in the census), and a lot less, 11% compared to the census 27%, for the older group. Interestingly, this was a similar profile to 2015 in comparison terms.

A very low 16% told us they had used a licensed vehicle in the last three months in the area, compared to 33% in 2015. The resulting level of trips per person per month was also low, at just 0.49 (compared to 1.5 in 2015), with an even lower value for the sample at London Road (just 0.15). The average reduced to 0.16 trips for hackney carriage specific, or 34% of the overall total, a much lower proportion than the 87% in 2015.

21% of people responding said they could not remember the last time they used a hackney carriage, but a very encouraging none said they could not remember seeing one – a result of the livery policy in the area. The value not remembering when they had used one was higher than the 5% of 2015.

For the small number responding, 32% got a licensed vehicle from a rank (similar to the level noted above identified as hackney carriage usage, and only marginally less than the 36% of 2015) and 40% telephoned a company. 19% said they used an 'app'. 6% said they hailed and 3% said they used a freephone.

In terms of companies phoned, the top company obtained 49% of mentions. The next two companies obtained 18% and 13%, one of which was an app based company. Eight other names were given but none obtained more than a single response.

22 separate names were given of rank locations that people were aware of. 27% said Brighton Station, 17% said Churchill Square, 9% George Street Hove and 7% North Street. Two other locations obtained 5% of mentions, East Street and Hove Station, the former getting a lot less mention than in 2015. Three others obtained 4% each and the remaining locations 2%.

Compared to other items, an encouraging 60% said they would use the ranks they had named.

There were very few responses when people were asked if they had any problems with the hackney carriage service in Brighton. There were more – but still not significant numbers – telling us the matters that might encourage them to use hackney carriages or use them more. As is usual, the top scoring matter was if the vehicles were cheaper. The next highest score was for more hackney carriages which could be phoned for. Availability of an 'app' was important to one person, as was rank location and having larger hackney carriages. All results for this question were lower again than in 2015, suggesting service levels have improved.

In terms of disability, 89% said neither they, nor anyone they knew, needed any form of adapted licensed vehicle. This was a reduction from the 96% of 2015. Of those responding of need for an adapted vehicle, twice as many needed a WAV compared to those needing a different adaptation.

The latent demand factor based on people giving up waiting at ranks was 8.6%, much increased from the low level of 1.5% in 2015. The similar value for hailing was 8.3%, giving a relatively high combined latent demand value of 16.9%.

73% of people said they would always choose the first vehicle available when arriving at a rank. 10% would choose a wheel chair accessible style with the remainder choosing a saloon. Most of those choosing the saloon said they would do so to leave the WAV style available for those that required that sort of vehicle.

77% said their last hackney carriage journey was in a saloon, with 13% saying they travelled in a WAV and 10% not being sure of the vehicle style.

70% felt there were enough WAV in the Brighton and Hove area, with 90% considering there were enough hackney carriages overall.



5 Key stakeholder consultation

The following key stakeholders were contacted in line with the recommendations of the BPG:

- Supermarkets
- Hotels
- Pubwatch / individual pubs / night clubs
- Other entertainment venues
- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators
- Other council contacts within all relevant local councils

Comments received have been aggregated below to provide an overall appreciation of the situation at the time of this survey. In some cases there are very specific comments from one stakeholder but we have tried to maintain their confidentiality as far as is possible. The comments provided in the remainder of this Chapter are the views of those consulted, and not that of the authors of this report.

Our information was obtained by telephone, email, letter or face to face meeting as appropriate. The list contacted includes those suggested by the Council, those drawn from previous similar surveys, and from general internet trawls for information. Our target stakeholders are as far as possible drawn from across the entire licensing area to ensure the review covers the full area and not just specific parts or areas.

For the sake of clarity, we cover key stakeholders from the public side separately to those from the licensed vehicle trade element, whose views are summarized separately in the following Chapter.

Where the statistical analyses in Chapter 2 demonstrate low levels of wheelchair accessible vehicle (WAV) provision, an increased emphasis will be given to the issue in terms of the focus of stakeholders but also in specific efforts to contact disabled users and their representatives.

Supermarkets

All the responding supermarkets told us their customers did use licensed vehicles. Two confirmed they had direct phones to taxi companies. Three had direct phones but also said customers often made their own arrangements to obtain a vehicle when necessary. Two said people would usually make their own arrangements, but that staff would contact if customers asked them to do so.

Two were aware of nearby ranks that their customers might use. None had received any complaints or negative comments about the service their customers obtained. One took time to say that vehicles arrived very promptly, with no distinction between company performance in that respect.

Hotels

Every hotel that responded to our request for information about customer licensed vehicle usage said their customers made use of them. All said that either reception would get a vehicle if customers asked, or customers made their own arrangements. Two were aware of ranks which customers might use. Two had not received any complaints about the service provided whilst two others took time to say the service provided was good.

Public houses

Every public house told us their customers made use of licensed vehicles. One said staff would arrange vehicles, whilst five said customers usually made their own arrangements, but that staff would help if asked. One said there was a rank directly outside, with two others also well aware of ranks nearby. Two had not received any complaints, three said the service provided was very good but one suggested local knowledge needed to be improved on behalf of drivers.

Night clubs

As is usual for this type of survey, obtaining comment from night clubs proved difficult. However, the club which responded told us their customers did use licensed vehicles, making use of a rank directly outside the club. Their main concern was a need for consistency in the prices charged to their customers, and some reticence of the trade to take customers longer distances.

Other entertainment venues

One entertainment venue said their customers used local licensed vehicles, but said customers usually made their own arrangements. This was partly since they had an issue with a preferred company supplier who had failed to provide vehicles in a timely manner. However, the site was also aware of a nearby rank. Two other venues said they did not think their customers specifically used licensed vehicles to leave their sites.

Restaurants

Every restaurant that responded confirmed their customers did use local licensed vehicles. They all said that staff would get a vehicle for any customer that asked. One was aware of a nearby rank. One said the service was very reliable. However, one said that they had reports of drivers being rude and unfriendly to their customers.

Hospitals

One hospital confirmed its patients and staff did make use of licensed vehicle services. They said that people usually made their own arrangements, or sometimes made use of direct phones that were provided at their sites. They were aware of the nearby rank – and took time to confirm that they believed patients and staff got a very good service.

Police

No police concerns were raised.

Disability

One group met with us and shared their concerns although they also regularly made their points to the regular forum meetings. Issues were:

- Long booking times for people needing larger vehicles to fit them
- Refusals arising from drivers saying they are not adequately trained
- Confusion about the complaints procedure
- Regular missed appointments arising from lack of vehicle availability
- Difficulty in getting vehicles when school contracts are being serviced
- Concern about phone refusals when customers mention needing to travel with assistance dogs
- They were no longer seeking a fully WAV fleet

Another group spoke to us by phone due to poor weather conditions on the consultation day. They were pleased how proactive Brighton was in regard to disability issues that arose. They felt there were enough vehicles, and reiterated that when issues arose, they were dealt with quickly and effectively. This meant there had been no recent specific complaints.

Rail and other transport operators

National rail statistics are available that summarise total entries and exits from each station in the national rail network. The busiest station is identified as 1st, with each successive station seeing less patronage. In the latest data available, which considers the year ending in March 2017, Brighton has moved down the table to be the 28th busiest station in the national network. Other stations within the Brighton and Hove area are further down the list (Hove is 286th, Falmer 477th, Portslade 577th, Preston Park 855th, London Road Brighton 1029th, Moulsecoomb 1,109th and Aldrington 5,279th with around 185,000 departures and arrivals).

Rail year (ends March in last year noted)	Entries / exits	Growth / decline
Brighton (28th)		
1997 / 1998	7,376,192	n/a
1998 / 1999	8,309,344	+13%
1999 / 2000	8,930,344	+7%
2000 / 2001	9,282,656	+4%
2001 / 2002	10,153,601	+9%
2002 / 2003	10,368,208	+2%
2003 / 2004	Not collected	
2004 / 2005	11,295,080	+9%
2005 / 2006	11,854,512	+5%
2006 / 2007	12,853,442	+8%
2007 / 2008	13,474,555	+5%
2008 / 2009	13,806,628	+2%
2009 / 2010	13,741,582	-0.5%
2010 / 2011	14,493,010	+5%
2011 / 2012	16,052,520	+11%
2012 / 2013	16,187,024	+1%
2013 / 2014	16,940,764	+5%
2014 / 2015	17,170,740	+1%
2015 / 2016	17,333,326	+1%
2016 / 2017	15,993,072	-8%
Last three years (13/14 to 16/17)		-6%

The table shows that the last three years showed slight growth in the first two years, but strong decline in the most recent year available. This may have been due to the impact of long term strike action, and it is unlikely that figures covering the next two years will show any improvement, since the impact of the very poor timetable change of May 2018 will be evident even into the data that summarises the information which will not be available until about another year from now.

Brighton Transport Policy

A representative from the Transport Policy section of the Council met with us. They confirmed the trade are regularly kept in touch both using the Forum and via trade representatives and the Unions. They felt the trade worked together with them very well on new proposals, such as the Valley Gardens rank revisions that were upcoming. They felt the transport partnership had been very effective in overcoming previous blanket opposition to new ideas. The Council continues to aim to keep the number of ranks spaces at the current level. They get strong support for the licensed vehicle trade from Labour politicians. A key change in the near future relates to the need to reduce Nox.

A key future development expected is fresh thinking about how to provide better licensed vehicle access to the railway station. This could involve movement of the present rank to a location that was easier to get to rather than the current location which is poor in terms of congestion around its entrance.



6 Trade stakeholder views

The BPG encourages all studies to include 'all those involved in the trade'. There are a number of different ways felt to be valid in meeting this requirement, partly dependent on what the licensing authority feel is reasonable and possible given the specifics of those involved in the trade in their area.

The most direct and least costly route is to obtain comment from trade representatives. This can be undertaken by email, phone call or face to face meeting by the consultant undertaking the study. In some cases to ensure validity of the work being undertaken it may be best for the consultation to occur after the main work has been undertaken. This avoids anyone being able to claim that the survey work was influenced by any change in behavior.

Most current studies tend to issue a letter and questionnaire to all hackney carriage and private hire owners, drivers and operators. This is best issued by the council on behalf of the independent consultant. Usual return is now using an on-line form of the questionnaire, with the option of postal return still being provided, albeit in some cases without use of a freepost return. Returns can be encouraged by email or direct contact via representatives. Some authorities cover private hire by issuing the letter and questionnaire to operators seeking they pass them on when drivers book on or off, or via vehicle data head communications.

In all cases, we believe it is essential we document the method used clearly and measure response levels. A letter was issued to all drivers, with the option to return by post or complete on-line. A total of 149 responses were received, in the order of a 10% response, very good for this kind of survey. This was also 50% more than the response in 2015, encouraging.

81% of respondents said they drove hackney carriages and 19% said private hire (a higher proportion of hackney carriage response than in 2015). Overall, the average length of service was 19.5 years, although for the hackney element this was marginally higher at 21 years, with a maximum length of service quoted of 49 years.

39% of respondents said they worked six days in the previous week, 34% said five days, 10% four, 8% seven, 6% three and 2% one day. One person, or 1% of the response said they had not worked the previous week. The average actually worked out at just over five days.

The average hours quoted for working the previous week were just over 43 for hackney carriage and 41 for the private hire respondents. This is similar to 2015. The maximum hours worked, interestingly for a private hire driver, was 74 hours.

27% said they worked when they preferred to. 22% worked around family commitments (both increased from 2015). 17% serviced busy times but 14% avoided heavy traffic. 11% said their working hours were determined by their sharing a vehicle (the same as in 2015). Various other reasons were given but none amounted to more than 2% of the responses.

74% said they owned and drove their own vehicle. 52% said someone else drove the vehicle they used. Both these values are slightly higher than in 2015. 41% said the vehicle was also used by others in the daytime, 22% at night, 11% in evenings, and 8% simply when they were not using it. Various other choices were also given, none of which accounted for more than 4% each.

Two thirds said they accepted pre-bookings, with 45% of these via an office radio, and 34% through one named company. 5% said phone, with ten other methods stated, none of which received more than 3% of responses.

48 locations were quoted for use of ranks. Many were colloquial or slightly different names. 3% of responses said they serviced 'all' ranks. The top rank mentioned was East Street, with 21% of responses, followed by Brighton Station with 15%, St Peter's Church with 8% and Hove Station also with 8%. The Hospital and West Street both obtained 5% of responses. Queen's Square / Clock Tower obtained 5%. The other locations received between 4% and just a single mention. Overall, this suggests a good service to a wide range of ranks, with no obvious omissions although there were also quite a few strange responses which were hard to interpret. Compared to 2015 the top three were the same but West Street and Queen's Square had both reduced in proportion.

For the hackney carriage trade respondents, just 2% said they got all their fares from ranks. The highest proportion, 40% said they got between 26 and 50% of work from ranks. 71% said they obtained between 1 and 25% of work from hailing, with 25% saying between 26 and 50% from phone bookings. Very few obtained school bookings or other work.

71% of private hire got all their work from phone bookings. It was not clear exactly where the other work came from for the other 29% of private hire, although there was a single mention of work from hailing and another of work from ranks.

53% felt the current policy of managed growth remained the correct policy. About 23% of drivers said if this changed, they would react by working longer hours to keep income the same. 45% of those responding said they would leave the trade. This level of support is much lower than in 2015 when 90% agreed.

With respect to levels of support for the current policy, interestingly, the highest level of support was from private hire, where 62% supported the current policy. On the hackney carriage side, 53% of those that are owner-drivers supported the policy, but a slightly lower 47% of those who are drivers only supported. This identifies the group of people who rent a vehicle on the hackney carriage side who would prefer to have their own plate – about 20 of those responding.

When asked to give reasons that the limit benefitted the public, 30% said it helps keep congestion and pollution under control, 29% said it helps maintain a safe and efficient service and 20% said it ensured supply and demand were kept in balance. 9% said it helped maintain vehicle standards, 7% that it reduced over-ranking, and 5% that it maintained driver standards.

88% felt there were enough hackney carriages licensed where they worked.

Other discussions were held on the key stakeholder day with representatives from the trade. Two different groups, one representing principally companies and the other principally the trades unions, met us.

Both made similar points, with the most important concern being the high level of out of town vehicles many of which formed ranks near to main ranks, some of which was in order to ensure bookings from 'apps'. There was an estimate of some 200-300 vehicles at weekends which were from a range of other areas, although at the time we met the impact of one company's 'geographic lock' had not yet been seen as it was not long in place. There were concerns about a lack of adequate rank spaces, particularly at the station. The station permit restricts service there to about 320 vehicles, whilst there are presently about 250 purely independent hackney carriages and about 340 with the largest company. There was also concern that some out of town vehicles are very hard to distinguish from normal saloon vehicles. Also, it was felt that a lot of disabled customers were now tending to choose saloon style vehicles if they did not specifically need a WAV style.



7 Evaluation of unmet demand and its significance

It is first important to define our specific view about what constitutes unmet demand. Our definition is when a person turns up at a hackney carriage rank and finds there is no vehicle there available for immediate hire. This normally leads to a queue of people building up, some of who may walk off (taken to be latent demand), whilst others will wait till a vehicle collects them. Later passengers may well arrive when there are vehicles there, but because of the queue will not obtain a vehicle immediately.

There are other instances where queues of passengers can be observed at hackney carriage ranks. This can occur when the level of demand is such that it takes longer for vehicles to move up to waiting passengers than passengers can board and move away. This often occurs at railway stations, but can also occur at other ranks where high levels of passenger arrivals occur. We do not consider this is unmet demand, but geometric delay and although we note this, it is not counted towards unmet demand being significant.

The industry standard index of the significance of unmet demand (ISUD) was initiated at the time of the introduction of section 16 of the 1985 Transport Act as a numeric and consistent way of evaluating unmet demand and its significance. The ISUD methodology was initially developed by a university and then adopted by one of the leading consultant groups undertaking the surveys made necessary to enable authorities to retain their limit on hackney carriage vehicle numbers. The index has been developed and deepened over time to take into account various court challenges. It has now become accepted as the industry standard test of if identified unmet demand is significant.

The index is a statistical guide derived to evaluate if observed unmet demand is in fact significant. However, its basis is that early tests using first principles identified based on a moderate sample suggested that the level of index of 80 was the cut-off above which the index was in fact significant, and that unmet demand therefore was such that action was needed in terms of additional issue of plates to reduce the demand below this level, or a complete change of policy if it was felt appropriate. This level has been accepted as part of the industry standard. However, the index is not a strict determinant and care is needed in providing the input samples as well as interpreting the result provided. However, the index has various components which can also be used to understand what is happening in the rank-based and overall licensed vehicle market.

ISUD draws from several different parts of the study data. Each separate component of the index is designed to capture a part of the operation of the demand for hackney carriages and reflect this numerically. Whilst the principal inputs are from the rank surveys, the measure of latent demand comes from the public on-street surveys, and any final decision about if identified unmet demand is significant, or in fact about the value of continuing the current policy of restricting vehicle numbers, must be taken fully in the context of a careful balance of all the evidence gathered during the survey process.

The present ISUD calculation has two components which both could be zero. In the case that either are zero, the overall index result is zero, which means they clearly demonstrate there is no unmet demand which is significant, even if other values are high.

The first component which can be zero is the proportion of daytime hours where people are observed to have to wait for a hackney carriage to arrive. The level of wait used is ANY average wait at all within any hour. The industry definition of these hours varies, the main index user counts from 10:00 to 18:00 (i.e. eight hours ending at 17:59). The present index is clear that unmet demand cannot be significant if there are no such hours. The only rider on this component is that the sample of hours collected must include a fair element of such hours, and that if the value is non-zero, review of the potential effect of a wider sample needs to be considered.

The other component which could be zero is the test identifying the proportion of passengers which are travelling in any hour when the average passenger wait in that hour is greater than one minute.

If both of these components are non-zero, then the remaining components of the index come into play. These are the peakiness factor, the seasonality factor, average passenger delay, and the latent demand factor.

Average passenger delay is the total amount of time waited by all passengers in the sample, divided by the total number of passengers observed who entered hackney carriages.

The seasonality factor allows for the undertaking of rank survey work in periods which are not typical, although guidance is that such periods should normally be avoided if possible particularly as the impact of seasons may not just be on the level of passenger demand, but may also impact on the level of supply. This is particularly true in regard to if surveys are undertaken when schools are active or not.

Periods when schools are not active can lead to more hackney carriage vehicles being available whilst they are not required for school contract work. Such periods can also reduce hackney carriage demand with people away on holiday from the area. Generally, use of hackney carriages is higher in December in the run-up to Christmas, but much lower in January, February and the parts of July and August when more people are likely to be on holiday. The factor tends to range from 0.8 for December to 1.2 for January / February.

There can be special cases where summer demand needs to be covered, although high peaks for tourist traffic use of hackney carriages tend not to be so dominant at the current time, apart from in a few key tourist authorities.

The peakiness factor is generally either 1 (level demand generally) or 0.5 (demand has a high peak at one point during the week). This is used to allow for the difficulty of any transport system being able to meet high levels of peaking. It is rarely possible or practicable for example for any public transport system, or any road capacity, to be provided to cover a few hours a week.

The latent demand factor was added following a court case. It comes from asking people in the on-street questionnaires if they have ever given up waiting for a hackney carriage at a rank in any part of the area. This factor generally only affects the level of the index as it only ranges from 1.0 (no-one has given up) to 2.0 (everyone says they have). It is also important to check that people are quoting legitimate hackney carriage rank waits as some, despite careful questioning, quote giving up waiting at home, which must be for a private hire vehicle (even if in hackney carriage guise as there are few private homes with taxi ranks outside).

The ISUD index is the result of multiplying each of the components together and benchmarking this against the cut-off value of 80. Changes in the individual components of the index can also be illustrative. For example, the growth of daytime hour queueing can be an earlier sign of unmet demand developing than might be apparent from the proportion of people experiencing a queue particularly as the former element is based on any wait and not just that averaging over a minute. The change to a peaky demand profile can tend towards reducing the potential for unmet demand to be significant.

Finally, any ISUD value must be interpreted in the light of the sample used to feed it, as well as completely in the context of all other information gathered. Generally, the guide of the index will tend not to be overturned in regard to significant unmet demand being identified, but this cannot be assumed to be the case – the index is a guide and a part of the evidence.

Element	2018	2015	2012	2009	2006	2003
Average wait (mins)	0.07	0.05	0.18	0.72	0.73	1.11
Peak factor	1	1	0.5	0.5	0.5	0.5
% Queues in weekday daytime hours	3.17	14.9	2	7	6	5
% pass in hours with waiting one minute or more	0.80	0.88	1.44	5.67	23	35
Latent demand	1.169	1.074	1.224	n/a	n/a	n/a
Overall index	0.20	0.71	0.32	16	50	97

The table above demonstrates that levels of unmet demand have reduced since 2015, with the levels lower than any previous survey. The total value has also remained resolutely beneath 1 over the last three surveys, covering some nine years. This suggests a very stable level of service provision by hackney carriages at ranks.

Compared to 2015, average passenger delay has marginally increased, with quite a large increase in latent demand. However, this has been more than balanced by a very high reduction in the off peak component of the index and a small but significant reduction in the level of passengers travelling in hours when there is waiting of a minute or more.

Given there is clearly no evidence of any unmet demand which at this time can be deemed to be anywhere near significant, there is no value in undertaking other tests such as by removal of the private or informal ranks from the information used as this is very unlikely to change the overall conclusion from the ISUD estimate. Further discussion of this result in context follows below.

8 Disability Considerations

Recent surveys for Brighton and Hove have always included additional research to test if there needs to be a further managed increase in the number of WAV style vehicles in the fleet. Since the survey, the next tranche of five WAV plates have been issued. This takes the current level of hackney carriages to 575, with the proportion now at 49% of the hackney carriage fleet. In addition about 13% of the private hire vehicle fleet are wheel chair accessible by choice, although we understand there has been a recent significant addition to this element since the statistics were provided for this Report. Both proportions are much higher than in 2012 when hcv WAV were 31% and phv WAV 8% (which suggests new WAV come from the saloon side of the phv fleet not the WAV side). The increase has continued since 2015 when the hcv WAV fleet was 40.5% and the phv element 12%. Apart from the more recent phv increase, this suggested the increase on the phv side had slowed in more recent years.

Brighton has seen an impressive rise in the level of WAV style vehicles in the hackney carriage (and private hire) fleets. In 1997, just 10% of the hackney carriage fleet was WAV. By 2011, this had risen to 25%. It is currently 49%. This is an almost 3% per year increase, mainly achieved by the requirement that all vehicles being replaced must now be WAV style. However, apart from the very recent counter change, the last three years has not seen very much increase on the private hire side, which may be an impact of the high level of change in the hackney carriage fleet, with potentially some owners transferring from hackney carriage to private hire to avoid the need to switch to a WAV.

As in 2015, 40 test phone-calls were made to phone numbers in Brighton which those with disabilities might call if they needed an adapted vehicle. This includes both hackney carriage radio circuits and large private hire companies as in 2015. Whilst we confirm that this test is clearly more 'private hire' focussed being by phone, it is also useful to compare how things have changed over time and one way by which peoples' options to travel can be reviewed. There is an important rider on the 2018 data however, in that since 2015 more 'app-based' options have appeared which together with reduced numbers of private hire companies readily available to the public has changed the options for those wishing to make bookings for WAV specialist vehicles.

In the discussion below, we have used the same terminology as in 2015 for the sake of comparison. Whilst this may not be the most preferable way of explaining or terming the test, the focus needs to be on the results and not simply any implications from specific wording.

In 2012, the minimum and maximum quoted wait time for both standard and accessible vehicles was five to 60 minutes. In 2015, whilst the minimum of five minutes remained the same, the maximum reduced to 20 minutes for standard and 30 minutes for accessible vehicles. In 2018, the minimum quoted wait for non WAV was reduced to just two minutes, but the maximum quoted has again increased for both standard and WAV vehicles to 30 minutes, standard, and 45 minutes WAV.

The average wait time was 15 minutes (standard) and 32 minutes (accessible) in 2012. This measure saw improvement for both groups in 2015, with more significant reduction to 19 minutes for accessible (40% decrease) and 12 minutes for standard (20% decrease). However, the 2018 information found that the average for standard had returned to the 2012 level of 15 minutes whilst the accessible average has also increased to 24 minutes, but not back to the levels of 2012. This is counter intuitive given the large increase in available vehicle numbers for accessible customers.

When considering the differences between the four time periods, although overall wait times are longer at night for phoned bookings, the disparity between accessible and standard in proportionate terms is actually lowest at that time. The most disproportionate wait was in fact for those wanting an accessible vehicle during the morning period, when accessible quoted times tended to be three times those of standard vehicles.

The longer 'post 22:00' wait times quoted might suggest that overall there are a lot of hackney carriages who work for private hire circuits who choose to work from hailing or ranks during this period rather than remaining with the radio networks.

The calculation for extra vehicles needed in 2012 suggested the discrepancy was an additional 230 WAV. Undertaking the same calculation in 2015 suggested an extra 139. The 2018 calculation suggests 190 are needed which again seems counter-intuitive given there has been a 22% increase since the last survey in the number of available WAV style vehicles.

Were these additional vehicles all added to the hcv fleet immediately to attain parity of service, this would mean that fleet would be 82% WAV style. However, our observations above suggest that this would not appear to be a sensible option, and that it may in fact not achieve the desired aims.

Further discussion of this in context of other responses and information collected occurs in the following Chapter.

9 Summary, synthesis and study conclusions

This Survey of demand for hackney carriage services 2018 on behalf of Brighton and Hove has been undertaken following the guidance of the BPG and other recent case history regarding unmet demand and its significance. It is the latest in a regular series of reviews of unmet demand, its level and significance and other related issues.

Background and context

This current survey of the level of demand for hackney carriages in the Brighton and Hove City Council area has been undertaken between February and October 2018. The scope of the study has been extended from that undertaken in 2015 to further increase the level of robusticity of the information provided to Councillors, and also to cover the specific issue regarding issue of five plates per year as well as the aim of continuing to increase the level of WAV style plates in the fleet further.

The study is held in the context that overall background transport policy strongly supports development of the licensed vehicle fleet as an important part of the transport offer of the area. Ranks remain seen as key vehicle / people interchanges that enhance neighbourhoods and destinations. Further, the hackney carriage element of the licensed vehicle trade has seen managed growth of some 25% since 1997, a very similar level to the 29% of growth observed in the, in theory, market-led private hire element. A key change in statistics from the last survey is the widespread take-up of driver licences that allow people to drive either hackney carriage or private hire, which has reduced, but not yet eliminated, the duplication of licences held by a single individual in some cases.

The level of WAV in the hackney carriage side has continued to increase, mainly through the policy of new vehicles now having to be WAV style, with the level at last review being some 49%. The parallel growth of vehicles in the private hire side in WAV levels has faltered slightly in the statistics, but we understand this may now have been reversed with a recent investment in such vehicles by one private hire company.

A very important point for this study is that Brighton and Hove remains one of the most regular survey repeaters, with copies of previous surveys every three years back to 2009 remaining available, providing an excellent best practice review of the limit policy and its impacts. This places the area in an excellent place for Councillors to have full information regarding their decisions about the limit policy and related matters.

This study also added a review of the detailed make-up of the overall industry structure in terms of how it actually works. The industry structure presently allows a wide range of operating models demonstrating plenty of active competition and relatively low levels of restraint in terms of allowing people to make the industry work for them. For example, there are single owner/driver operations both on the hackney carriage and private hire side. There are a range of company sizes, with and without vehicles, some on the hackney carriage side (without need for operator licences) and others working under operator licences, both with allied hackney carriages and without. There are also plenty of vehicles on both sides available for those not wishing to own a vehicle to rent. This occurs on both private hire and hackney carriage sides of the trade even though anyone can add a private hire vehicle as long as it meets Council standards. At the time of writing this report, new hackney carriage vehicles can be added to the fleet, but with a limit of five vehicles per year.

Rank observations

For this survey, an initial test was undertaken at the top two council ranks to see if there was any evidence that unmet demand levels might have tended towards becoming significant since the last survey. They also provided a test of demand early in the calendar year. These surveys suggested demand was 10-13% lower in the March of 2018 than had been found at these sites in the May 2015 surveys. It also clearly found that there was no evidence that levels of unmet demand had increased at all.

The full surveys were undertaken in May 2018 using a similar sample to that in 2015, but with added comfort provided by several sites being watched on an extended basis albeit in a less detailed manner (i.e. principally by observing when the rank was active, and simply recording passenger numbers rather than full detail for these additional hours).

Overall results found a reduction of observation of passengers at ranks in the area since 2015 amounting to some 27%. However, it also must be noted that this is not the first ever similar reduction level noted between surveys.

The largest reduction in usage arose at the private rail station rank. East Street remained the second busiest rank, albeit at a lower level of usage. Queens Square and Hove Station however both saw increased levels of actual passenger usage. Two ranks, Paston Place and the informal Church Street location, saw significant reductions.

Brighton and Hove remains a location where there is always some hackney carriage activity at ranks through the week. Our present survey found highest flows on Saturday, with marginally lower levels on Friday, and lower, but still significant levels of usage on Thursdays. Further, additional cover is provided in many locations from vehicles passing by, although any rank just off any main through route always sees regular vehicle pass-throughs even at the quietest times, suggesting the area is well-served by hackney carriages making themselves available for hire. This is a key, important and best practice factor of the local hackney carriage trade.

In terms of service to passengers, just 2% of observed hours saw average passenger delays in that hour of a minute or more, a very good level of service to the public. There were just 20 passengers in just five different hours seeing an actual wait for a hackney carriage at a rank of 11 minutes or more.

During the busiest survey day, 43% of the fleet was observed meeting the demand surveyed. This leaves plenty of spare capacity available to meet increasing demand levels.

The overall surveyed level of abuse of ranks by other vehicles in the area was very low. The largest group abusing rank locations, but only for 2% of observations, was out of town taxi style vehicles. This was at a similar level to private car abuse of ranks. The station was the worst location for this – a value that will be increased given there are other near-station locations known to be pick-up points a short distance from the ranks.

The Saturday plate observations provided another evaluation of active licensed vehicles in the area. At these key sites observed, 17% of such vehicles were other than Brighton and Hove hackney carriages. However 75% of the 'other' vehicles were identified as local private hire. This gives an estimate of out of town vehicles as about 4% of the overall mix at these key locations.

On street public views

The generally census-consistent sample of people interviewed in the streets across the area suggested a much lower overall usage of licensed vehicles now than three years ago, reducing from 33% in 2015 to 16% now. Overall licensed vehicle trips per month were estimated at just 0.49 per person per month, with the level just 0.16 for hackney carriages, showing just one in three trips were now made by hackney carriage, compared to nearly nine out of ten in 2015. Even though this might result from a different set of people responding now, this shows a decline in overall licensed vehicle usage with an even greater decline for the hackney carriage element.

The hackney carriage fleet remains very visible, although the level of those not remembering when they had last used a hackney carriage had increased from 5% to 21% this time. However, a very similar proportion claimed they principally got licensed vehicles from ranks, with the key growth area being 19% who said they now used an 'app'. An app-based company obtained some 13% of mentions when people were asked what companies they contacted. This was the third highest level of mention, with one company taking 49% and the second 18%, with few other companies of significance in the area. The top two companies were operators of mixed hackney carriage and private hire fleets.

Whilst 60% of respondents named ranks they said they used, the overall knowledge of ranks appeared to be reduced. 27% named the Station rank, 17% Churchill Square, 9% George St Hove and 7% North Street. Despite the observed growth in usage of Hove station rank, less people now said they knew about it or used it.

The level of satisfaction with the hackney carriage service was very high and suggested overall service improvement since 2015 – although this of course would occur with lower demand serviced by the same number of vehicles.

Latent demand had increased from 1.5 to 8.6% at ranks, with the newly added measure for hailing of 8.3% giving a relatively high latent demand factor of some 16.9%. Whilst at first seeming inconsistent with other information, this may result from higher expectations arising given the actual better service provided – people are less willing to wait as long.

70% felt there were enough WAV hackney carriages and 90% felt there were enough hackney carriages overall.

Key stakeholder views

Key stakeholders provided a positive view about the service provided by licensed vehicles, with most saying their customers did use them. There was some knowledge of ranks and their usage, although as is usual much of the key stakeholder usage was using private hire, or booked, vehicles.

Those within the council transport policy section remained very pleased with the provision of licensed vehicles services and their positive impact on transport provision in the area.

The rail station national flows showed a 6% decline over the last available three year period, with other more recent events likely to see further decline in overall rail usage in the next two sets of published information.

Trade views

A very good, 10% level of response was obtained to the main all-driver survey. Further, the two main representing bodies for the trade also made positive and good contributions to this Report. This is an encouraging level of engagement across the industry.

The working week averaged at five days and 43 hours (hackney carriage) or 41 hours (private hire), very similar to that in 2015. Nearly three quarters of those responding were owner-drivers although half said someone else also used their vehicle. About two thirds accepted pre-bookings, mostly via a company.

In terms of how people obtained work, few were entirely dependent on rank bookings. 71% said they got up to a quarter of their work from hailing.

The present managed growth policy was supported by 53% of the total of all trade respondents. The highest proportional support was from private hire, a very unusual response. There was slightly less support for the policy from those that did not own their own vehicles compared to those that were owner drivers, but not a significantly lower level (53% compared to 47%).

The major present concern from within the trade was the level of work taken by those who were not from the Brighton and Hove area. Many were concerned about how the public perceived these vehicles, and the safety implications that they may consider them to be hackney carriage when they were not actually local hackney carriages, and therefore more directly accountable to the local council were issues to arise. There remained concerns about rank provision.

Formal evaluation of significance of unmet demand

The present ISUD index is now at the lowest level it has ever been in the currently listed set of surveys. The main negative change in the index has been the increase in latent demand.

Disability issues

Rank observations found 59% of observed movements at ranks were apparently WAV style, a much higher proportion than the 48% in the fleet at the time of the surveys. The level of observed usage of people in wheel chairs using hackney carriages at ranks was very similar to that in 2012 and 2015, being this time some six people. There was a much higher level of apparent disabled usage for those with non wheel-chair required disabilities.

In terms of being aware of others needing adapted vehicles, the level has increased from 2015, when 96% said they did not need a vehicle, this is now some 89% suggesting more people now need such style of vehicle. The level needing a WAV in this proportion saw about two thirds needing WAV style with the remainder needing other types of adaptation.

Disability stakeholders were generally pleased with the ongoing developments and service provided. However, there were detailed concerns mainly about those needing larger vehicles in order to travel.

The 'telephone' test found an increased level of WAV vehicles would be needed within the fleet to achieve parity in demand now, which seemed to be counter intuitive given the high level of increase of such vehicles since 2015.

Synthesis

The overall current picture for the traditional hackney carriage rank-based market appears to be a marked decline in usage. Part of this relates to issues at the station that have seen its actual number of passengers reduce over the last three years, although the hackney carriage reduction is worsened by the increased levels of competition from private hire, both within the area and from out of town at this point. This particular market has been further complicated by the additional, less easy to observe, spread of demand from the former main single point of pick-up to a wide range of alternative points that people go to around the station to make onward licensed vehicle trips. With the introduction of hackney carriage app-style options, not all of this demand has been lost to the hackney carriage per se.

The level of confidence that there is no unmet demand which is significant is higher than ever. The only issue that arises is that improved levels of service seem to have given people an even higher expectation of what they expect of the service, hence the increased level of latent demand. The large take-up of app-based methods of getting vehicles will also have increased expectation significantly, as these methods tend to minimise passenger wait times for vehicles.

This implies that the current policy of managed growth, adding five plates per year, could in fact be switched off at this time. However, in the past, this level of addition seems to have kept fleet numbers in line with both passenger growth but also ensured the balance between private hire and hackney carriages in the area was also maintained.

The full level of usage of hackney carriages includes elements not measured directly by this survey. These include hailing (6% stated by the public interviews), bookings through radio circuits using hackney carriage vehicles, any contracts met by hackney carriage and the most recent introduction of a purely hackney carriage 'app'. All of these are legitimate additional patronage for hackney carriages for which the only current evidence we have is from the driver survey, which suggests they are non-trivial. It is possible, but hard to know fully, that some of the loss of usage at ranks may have not actually been lost to the hackney carriage per se, but may just have transferred. We believe this is highly likely. On this basis, continuing the managed growth at its current level would seem sensible to ensure the hackney carriage trade remains able to provide demand where and when needed.

It would appear that the further value of adding more WAV to the hackney carriage fleet is now be limited. The public view possibly suggests that the maximum level might be at most 65%, whereas the current tests seem to suggest the further increases since 2015 have not continued the improvement seen in the previous period. On balance, we would consider that a level of 50% WAV hackney carriages would continue the present benefits and be a sensible target to keep to in the future.

On the contrary, compared to policies favouring growth in WAV levels, around the traffic world, much more emphasis is being given to attempting to reduce air quality concerns, with many locations seeking to encourage the licensed vehicle fleet to set a good example by moving towards lower or zero emission options. Many authorities have had mandatory level targets set and many are seeking to achieve this through changes to requirements for both hackney carriage and private hire.

It is also clear that the additional five plates per year managed growth have ensured that any tendency toward unmet demand that might be seen as significant have been kept clearly in control. It seems prudent that this policy should continue, at the same level, but that the focus on fleet change now move to these plates being allocated to low or zero emission vehicles. Given the small number, this might best be set as fully zero emission, wheelchair accessible vehicle styles.

However, such a small number would not achieve as large a change in emission impact as is needed, but given the fall in rank-based demand, there is no real justification for increasing the number of plates. Discussion and consultation should occur with the trade to identify the best way to encourage the fleet towards better emission capability. This might replace the present policy whereby all replacement hackney carriages have to be wheel chair accessible.

There is one concern that must be kept in mind – the current expected zero emission wheel chair accessible hackney carriage range focusses on the medium size range of vehicle whereas there is concern from the disability inputs about need for more larger vehicles, none of which are currently expected to be low emission for some while.

In terms of potential quick-wins on emissions, hybrid, particularly petrol hybrid style vehicles, are currently well-appreciated and trusted by drivers, and although they do not give the full benefit of ultra-low emission options, because they are accepted and trusted, and of relatively lower cost compared to ultra low emission options, could be taken up more promptly. There could be significant value in encouraging this within both hackney carriage and private hire fleets. This policy would have to be continually reviewed to keep up with industry developments, which we consider may move quite quickly in the coming years, but not necessarily over the next year or two.

10 Recommendations

On the basis of the evidence gathered in this Survey of demand for hackney carriages services for Brighton and Hove, our key conclusion is that there is no evidence of any unmet demand for the services of hackney carriages either patent or latent which is significant at this point in time in the Brighton and Hove licensing area. The committee is therefore able to consider retaining its present limit on hackney carriage vehicle numbers and to be able to support this against any challenge if required.

The options open to the committee therefore include the following:

- Retain limit at current level, removing the managed growth
- Continue managed growth for WAV
- Revise managed growth to switch to focus on environmental matters rather than WAV
- Remove the limit altogether (with various possible options from with no further restriction to quality controls such as in favour of environmentally friendly vehicle options).

At the same time the related policy regarding all replacement vehicles having to become WAV also needs reconsideration.

Further thoughts are provided in the previous chapter giving reasons why particular options might be preferable at this time. Further discussion can occur at the presentation of this report if necessary.



Brighton and Hove

DfT states limit began in 1986

	hcv	phv	lv total	hcd	phd	dd	total d	Operators	% hcv WAV	% phv WAV
1994D	444			1034						
1997D	459	352	811	1155	280		1435		10	
1999D	459	328	787	1091	377		1468	10	11	
2001D	459	397	856	1074	476		1550	20	13	
2004D	479	429	908	1097	527		1624	20	12	
2005D	479	470	949	1121	479		1600	20	16	
2007D	513	444	957	1103	527		1630	56	21	
2009D	528	614	1142	794	563	356	1713	72	24	
2010N	528	466	994	<u>971</u>	<u>579</u>	-	<u>1549</u>	<u>69</u>	23	<u>5</u>
2011D	535	469	1004	1147	594		1741	66	25	6
2012N	540	444	984	<u>1173</u>	<u>586</u>	-	1759	<u>69</u>	28	<u>8</u>
2013D	545	432	977	1199	578		1777	71	31	9
2014N	550	449	999	<u>1198</u>	<u>586</u>	-	1783	<u>68</u>	37	<u>10</u>
2015D	555	452	1007	1196	593		1789	65	40	12
2017D	565	467	1032	94	565	1051	1710	38	45	13
2018CA	570	450	1020	37	285	1121	1443	53	48	14
2018CJ	575	455	1030	37	277	1118	1432	54	49	13

Notes: Brighton and Hove authorities merged to form the new unitary authority in 1996.
In 1994 the separate authorities had 277 and 167 hcv and 701 and 333 hcd separately



Appendix 2 – List of ranks

See separate document

Appendix 3 – Hours observed at ranks

See separate document

Appendix 4 – Detailed rank observation results

See separate document

Appendix 5 – On Street interview results

See separate document



Appendix 6 List of Stakeholders consulted

Key consultee	Response
Supermarkets	
Sainsbury's, Lewes Road	Y
Morrison's, St James' Street	Y
Waitrose, Western Road	Y
Waitrose, Nevill Road, Hove	N
Asda, Brighton Marina	Y
hiSBE, York Place	Y
Aldi, London Road	R
Iceland, London Road	Y
Tesco, Western Road	Y
Tesco, Church Road	N
Hotels	
Adastral Hotel, Hove	N
Brunswick Square Hotel, Brighton	Y
Myhotel Brighton	Y
Preston Park Hotel	Y
Artist Residence, Brighton	N
Royal Pavillion Townhouse	N
Hotel Una	Y
Restaurants / Cafes	
Graze Restaurant, Hove	C
Terre a Terre, Brighton	Y
Alfresco, Brighton	Y
St Georges Restaurant, Brighton	C
Indian Summer, Brighton	N
The Urchin	N
Six, Brighton and Hove	Y
Entertainment	
Bohemia, Brighton	N
The Old Market Theatre	Y
The Marlborough Pub and Theatre	N
Komedia	N
Sea Life Brighton	Y
Duke of York Picture House	Y
Public Houses	
Charles Street Envy Bar and Club	Y
Revolution Bar	Y
The Ancient Mariner	Y
The Prestonville	Y
Revelator	Y
The Farm Tavern	Y

Night Clubs	
The Funky Fish Club	R
The Haunt	C
Volks	N
Club Revenge	N
Coalition	Y
Concorde 2	N
On The Rocks	R
Other key stakeholder groups	
Age UK Brighton and Hove	N
Royal Sussex County Hospital	Y
Brighton General Hospital	N
Brighton and Sussex University Hospital	N
The Montefiore Hospital	Y
Blind Veterans	N
Possability People	F
Guide Dogs	Y
Impetus	N
Scope	N
Pavillions	N
Martlets	N
YMCA	N
Sussex Police	N
Southern Railway	N
Council key stakeholders	
Transport, Mark Prior	F
Trade Representatives	
Afghan Taxis Association	N
Arab Taxis Association	N
Brighton and Hove Radio Cabs	N
Brighton and Hove Streamline	F
Brighton and Hove Uber Drivers	N
Cab Express	N
Independent Drivers Association	F
Private Hire Association	N
Southern Taxis Ltd	F
Taxi Link	N
Uber Britannia Ltd	N
United Taxi Drivers' Association	N
GMB	F
Unite The Union	F
All Driver consultation (by letter)	See Report

Key:

F – face to face

Y – Response provided
N – no response received
R – refused to respond
C – location closed down or not contactable

Taxi Rank 24 At Any Time

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	Queens Park Terrace	south	from a point 24.5 metres east of the eastern kerbline of Queens Park Road eastwards for a distance of 15.5 metres	3	C		
2	St James's Street	north	from a point 6.5 metres west of the western property boundary of no. 12 St James's Street, eastwards for a distance of 12 metres	2	C		

Taxi Rank 24 At Any Time

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	Marine Parade	South	From a point 6 metres East of the junction with Royal Crescent Mews eastwards for a distance of 16 metres	3	H		
2	Paston Place	West	From a point 6.6 metres south of the junction with Eastern Road southwards for a distance of 32.5 metres	6	H		
3	Paston Place	West	From a point level with the northern boundary of 9 Paston Place southwards for a distance of 10.9 metres	2	H		
4	Henley Road	South	From a point 15.5 metres west of the eastern boundary of property no' 2 Henley Road, westwards for a distance of 16 metres	3	H		

Taxi Rank 24 hours of any day

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	Shaftesbury Place	North	From a point 8 metres west of the southern boundary of property No.9 Shaftesbury Place westwards for a distance of 2.5 metres (at an angle of 90 degrees to the kerb)	1	J		
10	Stanford Avenue	East	From the south-western boundary of property No. 24 Stanford Avenue south-westwards for a distance of 36.5 metres	5	J		

Taxi Rank 24 hours of any day

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	Brunswick Place	East	2 metres wide. From a point 6.6 metres north of the northern kerbline of Western Road northwards for a distance of 40.2 metres	8	M		
2	Church Road	North	2 metres wide. Between a point 10.8 metres west of the western kerbline of Palmeira Avenue and a point 6 metres east of the eastern kerbline of Salisbury Road	9	M		

Taxi Rank At Any Time

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	Church Road	North	From a point 5 metres east of the eastern kerbline of Wilbury Road eastwards for a distance of 10.7 metres	2	N		
2	Eaton Road	South, 1.8 metres wide	From a point 10 metres east of the eastern kerbline of Selborne Road, eastwards for a distance of 15 metres	3	N		
3	Goldstone Villas	Centre 2 metres wide	From a point 55.3 metres north of the northern kerbline of Clarendon Road, northwards for a distance of 55.2 metres	10	N		
4	Goldstone Villas	East, 2 metres wide	From a point 10 metres north of the northern kerbline of Blatchington Road, northwards for a distance of 35.5 metres	7	N		
5	Kingsway	South, 1.8 metres wide	From a point 14 metres west of the western kerbline of St Aubyns South westwards for a distance of 20.0 metres	4	N		
6	Norton Road	East 1.8 metres wide	From a point 20m north of the northern kerbline of Church Road northwards for a distance of 36.5 metres	7	N		

Taxi Rank At Any Time

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	The Upper Drive	South	From a point 5 metres south of the southern boundary of property No. 60 southwards for a distance of 23.5 metres.	4	O		

Taxi Rank At Any Time

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	Rutland Gardens	East	From a point 15 metres north of the northern kerbline of New Church Road northwards for 20.8 metres	5	R		
2	Portland Road	north	From a point 6.6 metres west of the the prolongation of the eastern kerbline of Hogarth Road east for a distance of 15 metres	3	R		

Taxi Rank At Any Time

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	Gloucester Place	west	From a point 1.7 metres north of the southern property boundary of no. 20 Gloucester Place, southwards for a distance of 11metres	2	Y		
2	London Road	northeast	From a point 2 metres southeast of the north western property boundary of no. 83 London Road, south eastwards for a distance of 10.5 metres	2	Y		
3	Montpelier Crescent	west	From a point opposite the property boundary of nos. 27/28 Montpelier Crescent, northwards for a distance of 33metres	6	Y		
4	New England Street	west	From a point 1.5 metres south of the prolongation of the southern kerbline of Ann Street southwards for a distance of 10 metres	2	Y		
5	St Peter's Place	south	From a point 13 metres east of the eastern kerbline of York Place, eastwards for a distance of 39 metres	8	Y		

Taxi Rank At Any Time

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	East Street	east	From a point 12.5 metres south of the southern kerbline of Castle Square, southwards for a distance 18 metres	3	Z		

1a	East Street	East	From a point 37.3 metres south of the southern kerblne of Castle Square southwards for a distance of 10.7 metres	2	Z		
2	East Street	centre	From a point 16.5 metres south of the southern kerblne of Castle Square, southwards for a distance 13.5 metres	2	Z		
3	East Street	west	From a point 25 metres south of the southern kerblne of North Street, southwards for a distance 36.4 metres	7	Z		
4	Norfolk Road	east	From a point 6.7 metres north of the northern kerblne of Western Road, northwards for a distance of 14 metres	2	Z		
5	Pool Valley	West	From a point 12.3 metres north of the northern kerblne of Grand Junction Road, northwards for a distance of 9.3 metres	2	Z		
6	Pool Valley	west	From a point 6 metres south of the southern kerblne of Old Steine, southwards for a distance of 11.2 metres	2	Z		
7	Queen Square	Centre East	From a point 5.2 metres south of the property boundary of nos. 9/10 & 11 Queen Square, southwards for a distance of 34 metres	6	Z		
8	Queen Square	Centre West	From a point 5.2 metres south of the property boundary of Nos. 9/10 & 11 Queens Square southwards for a distance of 29 metres	5	Z		
9	Queen Square	east	From a point 16.5 metres north of the northern kerblne of North Street, northwards for a distance of 16.5 metres	3	Z		
10	West Street	east	From a point adjacent to the property boundary of nos. 77/78 West Street, southwards to a point adjacent to the southern property boundary of no. 81 West Street		Z		
11	West Street	west	From a point 5.3 metres south of the prolongation opposite the property boundary of nos. 78/79 West Street, southwards for a distance of 33 metres	6	Z		
12	Western Street	east	From a point 12.8 metres north of the northern kerblne of Kingsway northwards for a distance of 18.2 metres	3	Z		

Taxi Rank & Loading Bay

Item No	Street Name	Side of Road	Description	Spaces Approx	CPZ	Lining	Signing
1	Castle Square	South Side	From a point 21 metres east of the eastern kerblne of East Street eastwards for a distance of 30 metres.	6	Z		
2	Jubilee Street	East	From a point 43.5 metres north of the northern kerblne of Church Street northwards for a distance of 23 metres	4	Z		
3	King Place	West	From a point 8 metres north of the southern property boundary of Nos. 193 to 142 North Street northwards for a distance of 11 metres		Z		
4	North Street	South	From the eastern boundary wall of Nos.55/56 North Street eastwards to the eastern boundary wall of Nos. 51/52 North Street		Z		
5	North Street	South	From the eastern boundary wall of No.49 North Street eastwards to the eastern boundary wall of Nos. 41/43 North Street		Z		
6	Western Road	North side	From a point 13.5 metres east of the eastern kerblne of its junction with Spring Street, eastwards for a distance of 15 metres.	3	Z		

Taxi Rank At Any Time - Non- CPZ bays

Ref no	Road Name	Side	Description	Spaces Approx	Order Date	Lining	Signing
1	Carden Hill	South	From a point 47.5 metres east of the eastern kerblne of Carden Avenue eastward for a distance of 15.8 metres.	3	1998		
2	Elm Grove	South	From a point immediately opposite the west end of No 265 Elm Grove, eastwards for a distance of 24.4 metres.	5	1998		
3	Hollingbury Terrace	North	From a point 7.6 metres east of the eastern kerblne of Ditchling Road north eastwards for a distance of 15.25 metres.	3	1998		
4	Lewes Road	East	From a point 3.1 metres north of the northern kerblne of the access to Brighton & Hove Bus Garage northwards for a distance of 36.6 metres	7	1998		
5	Lewes Road	South	From a point 2 metres north of the southern property boundary of No.12 Coombe Terrace northwards for a distance of 12 metres	2	1998		
5a	Lewes Road	West	From a point 36 metres south of the southern kerblne of the Access Road to Wild Park southwards for a distance of 15 metres	2	New on Amend No.4 2014		
6	Longridge Avenue	South	From a point 30 metres north of the northern kerblne of Marine Drive northwards for a distance of 14.5 metres	2/3	New on Amend No.6 2011		
7	Nevill Road (Slip road between Nevill Road and Court Farm Road)	East	From a point 5.5 metres south of the southern kerblne of Nevill Road southwards for a distance of 12 metres	2	New on Amend No.3 2010		
8	Portland Road	North	From a point 27.8 metres west of the western kerblne of Ingram Crescent East westwards for a distance of 15.5 metres	3	New on Amend No.7 2010		
9a	Queensdown School Road	North	From a point 10 metres west of the western kerblne of Lewes Road westwards for a distance of 11 metres	2	New on Amend No.4 2014		
10	Station Road - Portslade	West	From a point 109.5 metres north of the northern kerblne of Franklin Road northwards for a distance of 14.5 metres	2/3	New on Amend No.7 2010		
10a	Surrenden Road	East	From a point 26.5 metres south of the southern kerblne of the main access to Varndean Sixth Form College southwards for a distance of 11 metres	2	New on Amend No.4 2014		
11	Tongdean Lane	West	From a point 27 metres north of the northern kerblne of the access road into Withdean Stadium northwards for a distance of 28 metres	5	New on Amend No.6 2011		
12	Warmdean	South	From a point 17.1 metres west of the western kerblne of Mackie Avenue westward for a distance of 12.7 metres.	2	1998		
13	West Way	North	From a point 34 metres west of the western kerblne of Applesham Avenue westwards for 11 metres.	2	2006		

Taxi Rank 24 hours of any day -

Ref no	Road Name	Side	Description	Spaces Approx	Order Date	Lining	Signing
1	King's Road	North	From a point 10 metres east of the eastern kerblne of Ship Street eastwards for a distance of 20 metres.	4	Seafront		
2	King's Road	North	Crescent in front of Grand Hotel - From the northern kerblne of Kings Road at the eastern end, north-westwards for a distance of 10.1 metres.	2	Seafront		
3	King's Road	South	From a point 1.4 metres opposite the west of the western property edge of Thistle Hotel westwards for a distance of 11.9 metres (o/s Thistle Hotel)	2	Seafront		
4	King's Road	North	From a point 38.6 metres east of the eastern kerblne of Queensbury Mews eastwards for a distance of 14.7 metres (o/s Metropole Hotel)	2	Seafront		

5	Marine Parade	South	From a point 20.5 metres east of a prolongation of the western kerbline of Charles Street eastwards for a distance of 21 metres.	4	Seafront		
6	Marine Parade	South	From a point 13.3 metres east of the junction of Royal Crescent Mews eastwards for a distance of 15.3 metres	3	Seafront		

Taxi Rank 24 hours of any day -

Not on an Order

	Old Steine	East	O/s Revenge - 23.30 to 03.00 hours every day on the site of existing bus stop outside number 24-25 Old Steine. The stand will be situated in Old Steine, East side 1.8 metre wide. From a point 53.5 metres north of the northern kerbline of Marine Parade northwards for 13 metres.	2	Z		
	Station Road	West	From a point 109.5 metres north of the northern kerbline of Franklin Road northwards for 14.5 metres.	2/3			

		Station (private)	East St	St Peter's Place	West St	Church St at Jubilee St (informal)	Queen Square	Hove Station / Goldstone Villas	Norton Rd	Paston Place, Hospital rank	Brunswick Place (Norfolk Square)	Church Rd / Palmeira Square	Old Ship Hotel / Buddies	Elm Grove	Hours
rank in 2015		1	2	3	4=	4=	4=	7	8=	8=	10	11	12	n/a	
Operating Hours															
2015 survey		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Comments		40%	27%	7.50%	5%	5%	5%	3%	2.5%	2.5%	0.90%	0.80%	0.80%	unused 2015	
Thursday	16:00														0
Thursday	17:00														0
Thursday	18:00	1	1	1	x	x	x	1	x	x	x	x	x	x	4
Thursday	19:00	2	2	2	x	x	x	2	x	x	x	x	x	x	4
Thursday	20:00	3	3	3	x	x	x	3	x	x	x	x	x	x	4
Thursday	21:00	4	4	4	x	x	x	4	x	x	x	x	x	x	4
Thursday	22:00	5	5	5	x	x	x	5	x	x	x	x	x	x	4
Thursday	23:00	6	6	6	1	x	x	6	x	x	x	x	x	x	5
Thursday	00:00	7	7	7	2	x	x	x	x	x	x	x	x	x	4
Friday	01:00	8	8	8	3	x	x	x	x	x	x	x	x	x	4
Friday	02:00	9	9	9	4	x	x	x	x	x	x	x	x	x	4
Friday	03:00	10	10	10	5	x	x	x	x	x	x	x	x	x	4
Friday	04:00	11	11	11	x	x	x	x	x	x	x	x	x	x	3
Friday	05:00	12	12	12	x	x	x	x	x	x	x	x	x	x	3
Friday	06:00	13	13	13	x	x	x	x	x	x	x	x	x	x	3
Friday	07:00	14	14	14	x	x	x	7	x	x	x	x	x	x	4
Friday	08:00	15	15	15	x	x	x	8	x	x	x	x	x	x	4
Friday	09:00	16	16	16	x	x	x	9	x	x	x	x	x	x	4
Friday	10:00	17	17	17	x	x	1	10	1	x	x	x	x	x	6
Friday	11:00	18	18	18	x	x	2	11	2	x	x	x	x	x	6
Friday	12:00	19	19	19	x	x	3	12	3	x	x	x	x	x	6
Friday	13:00	20	20	20	x	x	4	13	4	1	x	x	x	x	7
Friday	14:00	21	21	21	x	x	5	14	5	2	x	x	x	x	7
Friday	15:00	22	22	22	x	x	6	15	6	3	x	x	x	x	7
Friday	16:00	23	23	23	x	x	7	16	7	4	x	x	x	x	7
Friday	17:00	24	24	24	x	x	8	17	8	5	x	x	x	x	7
Friday	18:00	25	25	25	x	1	9	18	9	6	x	x	x	x	8
Friday	19:00	26	26	26	x	2	10	19	10	7	x	x	x	x	8
Friday	20:00	27	27	27	x	3	11	20	11	8	x	x	x	x	8
Friday	21:00	28	28	28	x	4	12	x	12	x	x	x	x	x	6
Friday	22:00	29	29	29	x	5	13	x	13	x	x	x	1	x	7
Friday	23:00	30	30	30	6	6	14	x	14	x	x	x	2	x	8
Friday	00:00	x	31	31	7	7	15	x	x	x	x	x	3	x	6
Saturday	01:00	x	32	32	8	8	16	x	x	x	x	x	4	x	6
Saturday	02:00	x	33	33	9	9	17	x	x	x	x	x	5	x	6
Saturday	03:00	x	34	34	10	10	x	x	x	x	x	x	x	x	4
Saturday	04:00	x	35	35	x	x	x	x	x	x	x	x	x	x	2
Saturday	05:00	x	36	36	x	x	x	x	x	x	x	x	x	x	2
Saturday	06:00	x	37	37	x	x	x	x	x	x	x	x	x	x	2
Saturday	07:00	x	38	38	x	x	x	x	x	x	x	x	x	x	2
Saturday	08:00	x	39	39	x	x	x	x	x	x	x	x	x	x	2
Saturday	09:00	x	40	40	x	x	x	x	x	x	x	x	x	x	2
Saturday	10:00	31	41	41	x	x	18	21	15	x	1	1	x	x	8
Saturday	11:00	32	42	42	x	x	19	22	16	x	2	2	x	x	8
Saturday	12:00	33	43	43	x	x	20	23	17	x	3	3	x	x	8
Saturday	13:00	34	44	44	x	x	21	24	18	x	4	4	x	x	8
Saturday	14:00	35	45	45	x	x	22	25	19	9	5	5	x	x	9
Saturday	15:00	36	46	46	x	x	23	26	20	10	6	6	x	x	9
Saturday	16:00	x	47	47	x	x	24	27	x	11	7	x	x	x	6
Saturday	17:00	x	48	48	x	x	25	28	x	12	8	x	x	x	6
Saturday	18:00	x	49	49	x	11	x	x	x	x	9	x	x	x	4
Saturday	19:00	x	50	50	x	12	x	x	x	x	10	x	x	x	4
Saturday	20:00	x	51	51	x	13	x	x	x	x	11	x	x	x	4
Saturday	21:00	x	52	52	x	14	x	x	x	x	12	x	x	x	4
Saturday	22:00	x	53	53	x	15	x	x	x	x	13	x	6	x	5
Saturday	23:00	x	54	54	x	16	x	x	x	x	14	x	7	x	5
Saturday	00:00	x	55	55	11	17	x	x	x	x	x	x	8	x	5
Sunday	01:00	x	56	56	12	18	x	x	x	x	x	x	9	x	5
Sunday	02:00	x	57	57	13	19	x	x	x	x	x	x	10	x	5
Sunday	03:00	x	58	58	14	20	x	x	x	x	x	x	x	x	4
Sunday	04:00	x	59	59	x	x	x	x	x	x	x	x	x	x	2
Sunday	05:00	x	60	60	x	x	x	x	x	x	x	x	x	x	2
Sunday	06:00	x	61	61	x	x	x	x	x	x	x	x	x	x	2
Sunday	07:00	x	62	62	x	x	x	x	x	x	x	x	x	x	2
Sunday	08:00	x	63	63	x	x	26	x	x	x	x	x	x	x	3
Sunday	09:00	37	64	64	x	x	27	x	x	x	x	x	x	x	4
Sunday	10:00	38	65	65	x	x	28	x	x	x	x	x	x	x	4
Sunday	11:00	39	66	66	x	x	29	x	x	x	x	x	x	x	4
Sunday	12:00	40	67	67	x	x	30	x	x	x	x	x	x	x	4
Sunday	13:00	41	68	68	x	x	31	x	x	x	x	x	x	x	4
Sunday	14:00	42	69	69	x	x	32	x	x	x	x	x	x	x	4
Sunday	15:00	43	70	70	x	x	33	x	x	x	x	x	x	x	4
Sunday	16:00														0
Sunday	17:00														0
Week day															
Week night															
Weekend day															
Weekend night															
Inter periods															
Total hours at site		43	70	70	14	20	33	28	20	12	14	6	10	0	340
															340

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
Brunswick Place	12/5/18	6	5	2	2	1.0	1	33%	3	00:12:29	00:07:25	00:13:05						
Brunswick Place	12/5/18	7	7	6	4	1.5	3	43%	7	00:41:05	00:38:05	00:45:05						
Brunswick Place	12/5/18	8	19	5	4	1.2	13	76%	17	00:11:08	00:06:41	00:14:05						
Brunswick Place	12/5/18	9	17	5	4	1.2	15	79%	19	00:07:50	00:06:05	00:08:49						
Brunswick Place	12/5/18	10	14	13	6	2.2	10	62%	16	00:06:06	00:02:59	00:04:30						
Brunswick Place	12/5/18	11	18	10	8	1.2	5	38%	13	00:11:55	00:12:22	00:18:11						
Brunswick Place	12/5/18	12	18	10	8	1.2	12	60%	20	00:08:01	00:06:59	00:13:19						
Brunswick Place	12/5/18	13	8	6	4	1.5	4	50%	8	00:07:27	00:09:59	00:21:32						
Brunswick Place	12/5/18	14	10	8	5	1.6	7	58%	12	00:10:37	00:02:50	00:06:09	00:00:24	00:03:14	1		00:03:14	
Brunswick Place	12/5/18	15	14	12	6	2.0	7	54%	13	00:05:04	00:05:06	00:10:52						
Brunswick Place	12/5/18	16	10	6	5	1.2	7	58%	12	00:01:33	00:00:58	00:01:44						
Brunswick Place	12/5/18	17	11	7	4	1.8	7	64%	11	00:05:23	00:07:08	00:14:41						
Brunswick Place	12/5/18	18	12	12	8	1.5	4	33%	12	00:03:51	00:04:19	00:12:44						
Brunswick Place	12/5/18	19	18	29	10	2.9	5	33%	15	00:04:34	00:04:50	00:19:50	00:00:09	00:01:06	4		00:01:06	
Brunswick Place	12/5/18	20	14	9	7	1.3	10	59%	17	00:08:09	00:09:46	00:14:06						
Brunswick Place	12/5/18	21	14	10	5	2.0	9	64%	14	00:10:58	00:14:58	00:18:08						
Brunswick Place	12/5/18	22	12	11	6	1.8	6	50%	12	00:06:34	00:09:16	00:17:36						
Brunswick Place	12/5/18	23	2	1	1	1.0	1	50%	2	00:03:25	00:03:17	00:03:17						
Brunswick Place	13/5/18	0	7	8	3	2.7	4	57%	7	00:01:56	00:00:25	00:01:05						
Brunswick Place	13/5/18	1	3	5	1	5.0	2	67%	3	00:02:45	00:01:05	00:01:05						
Brunswick Place	13/5/18	2	3	0	0		3	100%	3	00:00:05								
Brunswick Place	13/5/18	3	2	0	0		1	100%	1	00:17:35								
Brunswick Place	13/5/18	4		0	0		1	100%	1									
Brunswick Place	13/5/18	5	1	0	0		1	100%	1	00:13:05								
Brunswick Place	13/5/18	6		0														
Brunswick Place	12/5/18		239	175	101	1.7	138	58%	239				0:00:03					

Maximum passenger wait time												
Number waiting 11 mins or more												
Number of people waiting 6-10 mins												
Number of people waiting 1-5 mins												
Average Passenger Waiting Time, those waiting only												
Average Passenger Waiting Time in Hour												
Maximum Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time												
Total Vehicle Departures												
% of vehicles leaving empty												
Empty Vehicle Departures												
Average vehicle occupancy												
Loaded Vehicle Departures												
Total Passenger Departures												
No of Vehicle Arrivals												
Location	Date	Hour										
Church St inform	11/5/18	18	14	11	11	1.0	1	8%	12	00:09:01	00:08:21	00:17:46
Church St inform	11/5/18	19	22	19	18	1.1	3	14%	21	00:08:57	00:08:35	00:22:24
Church St inform	11/5/18	20	19	14	14	1.0	3	18%	17	00:15:18	00:14:37	00:26:10
Church St inform	11/5/18	21	26	23	23	1.0	2	8%	25	00:10:44	00:10:48	00:17:04
Church St inform	11/5/18	22	49	53	53	1.0	2	4%	55	00:05:18	00:05:18	00:11:41
Church St inform	11/5/18	23	48	39	39	1.0	5	11%	44	00:06:33	00:06:26	00:16:47
Church St inform	12/5/18	0	37	31	31	1.0	5	14%	36	00:08:28	00:08:24	00:19:11
Church St inform	12/5/18	1	26	26	26	1.0	2	7%	28	00:06:16	00:06:19	00:12:00
Church St inform	12/5/18	2	15	14	14	1.0	1	7%	15	00:12:39	00:12:41	00:31:28
Church St inform	12/5/18	3	13	12	12	1.0	4	25%	16	00:03:21	00:04:18	00:12:13
Church St inform	11/5/18		269	242	241	1.0	28	10%	269			0:00:00

Maximum passenger wait time
Number waiting 11 mins or more
Number of people waiting 6-10 mins
Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour
0:00:00

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

Church St inform
Church St inform
Church St inform
Church St inform
Church St inform
Church St inform
Church St inform
Church St inform
Church St inform
Church St inform
Church St inform

12/5/18
12/5/18
12/5/18
12/5/18
12/5/18
12/5/18
13/5/18
13/5/18
13/5/18
13/5/18
12/5/18

18
19
20
21
22
23
0
1
2
3

20
13
22
27
42
35
28
22
20
5
234

16
9
21
23
44
36
29
27
24
10
239

16
9
21
23
44
34
28
21
19
6
221

1.0
1.0
1.0
1.0
1.0
1.1
1.0
1.3
1.3
1.7
1.1

2
3
0
0
2
0
1
2
3
0
13

11%
25%
0%
0%
4%
0%
3%
9%
14%
0%
6%

18
12
21
23
46
34
29
23
22
6
234

00:03:15
00:08:47
00:05:38
00:08:14
00:06:39
00:08:15
00:05:47
00:08:36
00:03:20
00:04:36

00:02:58
00:09:30
00:05:38
00:08:27
00:06:36
00:08:04
00:05:47
00:08:21
00:03:29
00:04:36

00:09:26
00:24:37
00:14:08
00:19:59
00:10:54
00:22:05
00:18:29
00:18:01
00:11:01
00:12:00

Location	Date	Hour	Average Passenger Waiting Time, those waiting only													
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Maximum passenger wait time
East St	10/5/18	18	68	67	54	1.2	5	8%	59	00:03:20	00:03:21	00:09:45	00:00:02	2		00:01:39
East St	10/5/18	19	48	49	40	1.2	3	7%	43	00:15:54	00:15:11	00:39:57				
East St	10/5/18	20	28	44	32	1.4	3	9%	35	00:13:38	00:14:02	00:33:43				
East St	10/5/18	21	46	55	39	1.4	4	9%	43	00:14:31	00:14:39	00:24:18				
East St	10/5/18	22	84	108	82	1.3	3	4%	85	00:05:22	00:05:14	00:15:42				
East St	10/5/18	23	72	93	69	1.3	4	5%	73	00:10:03	00:10:07	00:20:32				
East St	11/5/18	0	64	63	55	1.1	6	10%	61	00:12:00	00:11:49	00:21:01				
East St	11/5/18	1	47	57	39	1.5	3	7%	42	00:19:28	00:19:08	00:37:29				
East St	11/5/18	2	35	45	35	1.3	3	8%	38	00:19:16	00:19:26	00:36:55				
East St	11/5/18	3	26	40	30	1.3	2	6%	32	00:23:05	00:23:26	00:34:32				
East St	11/5/18	4	20	18	17	1.1	6	26%	23	00:15:32	00:14:24	00:26:42				
East St	11/5/18	5	13	11	11	1.0	5	31%	16	00:30:37	00:28:49	00:36:58				
East St	10/5/18		551	650	503	1.3	47	9%	550				0:00:00			

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
East St	11/5/18	6	15	2	2	1.0	8	80%	10	00:26:40	00:44:21	01:04:03						
East St	11/5/18	7	13	8	8	1.0	8	50%	16	00:16:39	00:17:04	00:28:30						
East St	11/5/18	8	20	15	14	1.1	6	30%	20	00:07:01	00:06:41	00:28:52						
East St	11/5/18	9	28	13	12	1.1	10	45%	22	00:17:32	00:18:04	00:24:39						
East St	11/5/18	10	27	14	12	1.2	14	54%	26	00:29:49	00:34:18	00:48:26						
East St	11/5/18	11	27	20	19	1.1	10	34%	29	00:21:17	00:20:44	00:34:56						
East St	11/5/18	12	24	20	17	1.2	5	23%	22	00:24:23	00:25:07	00:35:01						
East St	11/5/18	13	30	34	31	1.1	5	14%	36	00:10:01	00:10:04	00:24:11						
East St	11/5/18	14	55	46	42	1.1	4	9%	46	00:11:46	00:11:29	00:24:47						
East St	11/5/18	15	53	57	45	1.3	6	12%	51	00:16:28	00:16:37	00:26:20						
East St	11/5/18	16	43	46	40	1.1	4	9%	44	00:19:12	00:19:35	00:25:26						
East St	11/5/18	17	55	61	53	1.2	4	7%	57	00:14:55	00:15:06	00:21:43						
East St	11/5/18	18	59	62	46	1.3	5	10%	51	00:17:18	00:17:30	00:27:10						
East St	11/5/18	19	37	66	44	1.5	3	6%	47	00:20:20	00:20:30	00:27:33						
East St	11/5/18	20	59	74	51	1.5	2	4%	53	00:15:04	00:15:03	00:25:16						
East St	11/5/18	21	73	90	74	1.2	2	3%	76	00:10:55	00:11:03	00:15:25						
East St	11/5/18	22	113	126	110	1.1	2	2%	112	00:07:19	00:07:24	00:15:46						
East St	11/5/18	23	138	164	134	1.2	0	0%	134	00:05:55	00:05:55	00:11:24						
East St	12/5/18	0	135	161	136	1.2	0	0%	136	00:06:35	00:06:35	00:11:38						
East St	12/5/18	1	149	183	156	1.2	2	1%	158	00:03:57	00:03:58	00:09:05						
East St	12/5/18	2	130	169	124	1.4	1	1%	125	00:05:13	00:05:10	00:14:57						
East St	12/5/18	3	72	109	77	1.4	3	4%	80	00:06:53	00:07:03	00:15:08						
East St	12/5/18	4	65	96	66	1.5	3	4%	69	00:05:25	00:05:26	00:14:59	00:00:01	00:01:44	1		00:01:44	
East St	12/5/18	5	49	68	43	1.6	3	7%	46	00:06:17	00:06:07	00:16:48	00:00:04	00:01:13	4		00:01:19	
East St	11/5/18		1469	1704	1356	1.3	110	8%	1466				0:00:00					

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
East St	12/5/18	6	21	26	17	1.5	4	19%	21	00:16:13	00:17:49	00:28:33					
East St	12/5/18	7	18	8	7	1.1	7	50%	14	00:18:56	00:20:31	00:27:23					
East St	12/5/18	8	17	14	11	1.3	10	48%	21	00:12:52	00:15:10	00:24:13					
East St	12/5/18	9	19	13	10	1.3	4	29%	14	00:21:51	00:20:57	00:32:25					
East St	12/5/18	10	20	17	14	1.2	8	36%	22	00:16:52	00:17:06	00:26:46					
East St	12/5/18	11	24	24	19	1.3	5	21%	24	00:19:42	00:19:56	00:28:19					
East St	12/5/18	12	37	32	26	1.2	11	30%	37	00:13:52	00:13:15	00:27:45					
East St	12/5/18	13	60	70	55	1.3	7	11%	62	00:03:01	00:02:46	00:14:03	00:00:03	00:02:07	2		00:03:02
East St	12/5/18	14	57	44	43	1.0	9	17%	52	00:11:02	00:11:03	00:18:34					
East St	12/5/18	15	111	126	104	1.2	5	5%	109	00:05:19	00:05:22	00:10:35					
East St	12/5/18	16	77	109	83	1.3	5	6%	88	00:05:26	00:05:17	00:13:51					
East St	12/5/18	17	117	114	97	1.2	3	3%	100	00:06:35	00:06:39	00:14:42					
East St	12/5/18	18	72	86	76	1.1	2	3%	78	00:11:33	00:11:34	00:18:49					
East St	12/5/18	19	65	75	58	1.3	6	9%	64	00:12:31	00:12:40	00:19:16					
East St	12/5/18	20	58	85	56	1.5	1	2%	57	00:14:06	00:13:57	00:19:36					
East St	12/5/18	21	97	126	91	1.4	4	4%	95	00:07:05	00:07:00	00:15:03					
East St	12/5/18	22	124	156	128	1.2	0	0%	128	00:06:04	00:06:04	00:10:52					
East St	12/5/18	23	162	197	161	1.2	1	1%	162	00:04:28	00:04:29	00:08:03					
East St	13/5/18	0	165	284	162	1.8	2	1%	164	00:03:07	00:03:07	00:08:23					
East St	13/5/18	1	164	264	163	1.6	0	0%	163	00:04:55	00:04:55	00:08:19					
East St	13/5/18	2	163	281	161	1.7	0	0%	161	00:05:47	00:05:47	00:11:41					
East St	13/5/18	3	111	160	114	1.4	1	1%	115	00:06:26	00:06:28	00:17:56					
East St	13/5/18	4	83	109	79	1.4	2	2%	81	00:05:40	00:05:40	00:17:54					
East St	13/5/18	5	34	67	40	1.7	4	9%	44	00:10:38	00:10:46	00:18:23					
East St	12/5/18		1876	2487	1775	1.4	101	5%	1876				0:00:00				

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
East St	13/5/18	6	32	47	26	1.8	5	16%	31	00:04:39	00:04:05	00:10:50	00:00:09	00:02:30	3			00:02:54
East St	13/5/18	7	25	31	15	2.1	9	38%	24	00:16:11	00:16:38	00:28:35						
East St	13/5/18	8	19	12	11	1.1	6	35%	17	00:21:39	00:20:10	00:27:12						
East St	13/5/18	9	18	3	3	1.0	12	80%	15	00:23:43	00:34:00	00:58:31						
East St	13/5/18	10	20	13	8	1.6	14	64%	22	00:35:25	00:43:26	01:09:40						
East St	13/5/18	11	11	11	5	2.2	6	55%	11	00:36:41	00:40:29	00:53:36						
East St	13/5/18	12	29	39	29	1.3	1	3%	30	00:14:41	00:14:41	00:30:03						
East St	13/5/18	13	30	62	32	1.9	1	3%	33	00:12:35	00:12:29	00:20:20						
East St	13/5/18	14	35	36	23	1.6	2	8%	25	00:21:54	00:21:49	00:30:29						
East St	13/5/18	15	33	47	42	1.1	6	12%	48	00:15:47	00:15:40	00:22:03						
East St	13/5/18		252	301	194	1.6	62	24%	256				0:00:01					

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

Elm Grove 10/5/18 18 0

Elm Grove 10/5/18 19 0

Elm Grove 10/5/18 20 0

Elm Grove 10/5/18 21 2 0 0 2 100% 2 00:01:34

Elm Grove 10/5/18 22 1 0 0 1 100% 1 00:11:34

Elm Grove 10/5/18 23 0 0 1 100% 1

Elm Grove 11/5/18 0 0 0 0 1 100% 1 00:22:06

Elm Grove 11/5/18 1 1 0 0 1 100% 1

Elm Grove 11/5/18 2 0

Elm Grove 11/5/18 3 0

Elm Grove 11/5/18 4 0

Elm Grove 11/5/18 5 1 0 0 1 100% 1 00:03:29

Elm Grove 10/5/18 5 0 0 0.0 5 100% 5

0:00:00

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
Elm Grove	11/5/18	6	3	0	0		3	100%	3	00:16:33								
Elm Grove	11/5/18	7	3	0	0		3	100%	3	00:04:35								
Elm Grove	11/5/18	8	1	0	0		1	100%	1	00:02:46								
Elm Grove	11/5/18	9	4	1	1	1.0	3	75%	4	00:07:51	00:00:30	00:00:30	00:04:00	00:04:00	1			00:04:00
Elm Grove	11/5/18	10	4	0	0		2	100%	2	00:18:14								
Elm Grove	11/5/18	11	8	0	0		7	100%	7	00:17:34								
Elm Grove	11/5/18	12	6	1	1	1.0	5	83%	6	00:32:12	00:14:43	00:14:43						
Elm Grove	11/5/18	13		0	0		2	100%	2									
Elm Grove	11/5/18	14	5	0	0		4	100%	4	00:26:09	00:32:11	00:32:11						
Elm Grove	11/5/18	15	3	2	1	2.0	2	67%	3	01:30:34								
Elm Grove	11/5/18	16	1	0	0		2	100%	2	00:00:36								
Elm Grove	11/5/18	17	1	0	0		1	100%	1	00:00:28								
Elm Grove	11/5/18	18	1	0	0		1	100%	1	00:08:59								
Elm Grove	11/5/18	19	1	0	0		2	100%	2	00:40:32								
Elm Grove	11/5/18	20		0														
Elm Grove	11/5/18	21		0														
Elm Grove	11/5/18	22		0														
Elm Grove	11/5/18	23		0														
Elm Grove	12/5/18	0		0														
Elm Grove	12/5/18	1		0														
Elm Grove	12/5/18	2		0														
Elm Grove	12/5/18	3		0														
Elm Grove	12/5/18	4		0														
Elm Grove	12/5/18	5		0														
Elm Grove	11/5/18		41	4	3	1.3	38	93%	41				0:01:00					

Maximum passenger wait time
Number waiting 11 mins or more
Number of people waiting 6-10 mins
Number of people waiting 1-5 mins
Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

Elm Grove	12/5/18	6		0						
Elm Grove	12/5/18	7	1	0	0	1	100%	1	00:08:13	
Elm Grove	12/5/18	8	2	0	0	2	100%	2	00:04:10	
Elm Grove	12/5/18	9	3	0	0	2	100%	2	00:09:04	
Elm Grove	12/5/18	10	1	0	0	2	100%	2	00:19:18	
Elm Grove	12/5/18	11	2	0	0	2	100%	2	00:01:35	
Elm Grove	12/5/18	12		0						
Elm Grove	12/5/18	13		0						
Elm Grove	12/5/18	14	2	0	0	2	100%	2	00:02:08	
Elm Grove	12/5/18	15	1	0					00:01:23	
Elm Grove	12/5/18	16		0	0	1	100%	1		
Elm Grove	12/5/18	17		0						
Elm Grove	12/5/18	18		0						
Elm Grove	12/5/18	19		0						
Elm Grove	12/5/18	20	1	0	0	1	100%	1	00:02:03	
Elm Grove	12/5/18	21		0						
Elm Grove	12/5/18	22	1	0	0	1	100%	1	00:00:42	
Elm Grove	12/5/18	23		0						
Elm Grove	12/5/18		14	0	0	0.0	14	100%	14	0:00:00

Location	Date	Hour											Average Passenger Waiting Time, those waiting only			Number waiting 11 mins or more			Number of people waiting 6-10 mins			Number of people waiting 1-5 mins		
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour											
Hove Stn	10/5/18	18	46	44	38	1.2	2	5%	40	00:05:25	00:05:39	00:25:10												
Hove Stn	10/5/18	19	28	27	23	1.2	4	15%	27	00:11:12	00:11:33	00:24:56												
Hove Stn	10/5/18	20	25	34	23	1.5	3	12%	26	00:12:19	00:11:38	00:21:38												
Hove Stn	10/5/18	21	15	14	14	1.0	3	18%	17	00:17:46	00:21:28	00:35:08												
Hove Stn	10/5/18	22	23	17	14	1.2	9	39%	23	00:13:06	00:13:51	00:31:33												
Hove Stn	10/5/18	23	14	22	13	1.7	5	28%	18	00:13:26	00:12:17	00:19:00	00:00:07	00:02:50	1					00:02:50				
Hove Stn	10/5/18	0		14																				
Hove Stn	10/5/18	1		3																				
Hove Stn	10/5/18	2		0																				
Hove Stn	10/5/18	3		0																				
Hove Stn	10/5/18	4		0																				
Hove Stn	10/5/18	5		0																				
Hove Stn	10/5/18		151	175	125	1.3	26	17%	151				0:00:01											

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time, those waiting only	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Maximum passenger wait time
Hove Stn	11/5/18	6		1													
Hove Stn	11/5/18	7	26	35	22	1.6	1	4%	23	00:02:06	00:02:11	00:08:01	00:00:30	00:02:15	8		00:03:10
Hove Stn	11/5/18	8	9	11	11	1.0	1	8%	12	00:07:49	00:07:49	00:26:09					
Hove Stn	11/5/18	9	20	13	13	1.0	2	13%	15	00:17:06	00:12:05	00:31:51	00:00:10	00:02:13	1		00:02:13
Hove Stn	11/5/18	10	12	9	9	1.0	4	31%	13	00:23:47	00:25:05	00:38:43					
Hove Stn	11/5/18	11	10	10	9	1.1	4	31%	13	00:12:02	00:11:17	00:22:19					
Hove Stn	11/5/18	12	14	9	8	1.1	3	27%	11	00:17:04	00:16:11	00:21:39					
Hove Stn	11/5/18	13	13	9	8	1.1	6	43%	14	00:18:18	00:19:25	00:27:09					
Hove Stn	11/5/18	14	19	14	12	1.2	9	43%	21	00:09:16	00:08:16	00:17:38	00:00:15	00:03:25	1		00:03:25
Hove Stn	11/5/18	15	14	11	9	1.2	5	36%	14	00:08:40	00:09:26	00:18:25					
Hove Stn	11/5/18	16	16	11	9	1.2	5	36%	14	00:15:27	00:14:19	00:24:16					
Hove Stn	11/5/18	17	24	27	18	1.5	3	14%	21	00:12:00	00:12:12	00:17:17					
Hove Stn	11/5/18	18	36	39	34	1.1	2	6%	36	00:09:34	00:09:28	00:18:05					
Hove Stn	11/5/18	19	37	43	29	1.5	7	19%	36	00:06:56	00:06:20	00:16:23	00:00:12	00:01:45	5		00:02:48
Hove Stn	11/5/18	20	18	23	16	1.4	8	33%	24	00:13:40	00:14:48	00:19:21					
Hove Stn	11/5/18	21		28	1	1.0	0	0%	1								
Hove Stn	11/5/18	22		22													
Hove Stn	11/5/18	23		43													
Hove Stn	12/5/18	0		20													
Hove Stn	12/5/18	1		7													
Hove Stn	12/5/18	2		0													
Hove Stn	12/5/18	3		0													
Hove Stn	12/5/18	4		1													
Hove Stn	12/5/18	5		0													
Hove Stn	11/5/18		268	386	208	1.3	60	22%	268				0:00:05				

[illegible]

Location	Date	Hour															
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more
Norton Rd	11/5/18	10	27	12	10	1.2	11	52%	21	00:06:23	00:04:59	00:17:42	00:00:06	00:01:15	1		00:01:15
Norton Rd	11/5/18	11	18	7	6	1.2	15	71%	21	00:10:57	00:12:01	00:14:28					
Norton Rd	11/5/18	12	14	7	6	1.2	9	60%	15	00:14:17	00:20:53	00:50:29					
Norton Rd	11/5/18	13	9	3	3	1.0	4	57%	7	00:21:04	00:20:06	00:20:06					
Norton Rd	11/5/18	14	13	1	1	1.0	15	94%	16	00:17:16	00:16:17	00:16:17					
Norton Rd	11/5/18	15	16	8	7	1.1	7	50%	14	00:09:24	00:10:30	00:16:49					
Norton Rd	11/5/18	16	14	11	8	1.4	7	47%	15	00:05:07	00:04:38	00:09:06					
Norton Rd	11/5/18	17	17	6	5	1.2	14	74%	19	00:07:18	00:06:48	00:11:04					
Norton Rd	11/5/18	18	20	12	8	1.5	11	58%	19	00:09:48	00:13:27	00:21:45					
Norton Rd	11/5/18	19	33	21	16	1.3	12	43%	28	00:06:32	00:07:39	00:20:04					
Norton Rd	11/5/18	20	19	17	11	1.5	11	50%	22	00:12:00	00:11:44	00:21:54					
Norton Rd	11/5/18	21	25	27	13	2.1	10	43%	23	00:13:05	00:13:50	00:29:01					
Norton Rd	11/5/18	22	25	30	17	1.8	7	29%	24	00:09:08	00:09:07	00:17:37					
Norton Rd	11/5/18	23	15	28	14	2.0	7	33%	21	00:09:35	00:10:11	00:16:22					
Norton Rd	12/5/18	0		12													
Norton Rd	12/5/18	1		9													
Norton Rd	12/5/18	2		2													
Norton Rd	12/5/18	3		0													
Norton Rd	12/5/18	4		2													
Norton Rd	12/5/18	5		0													
Norton Rd	11/5/18		265	215	125	1.5	140	53%	265				0:00:00				

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number of people waiting 11 mins or more	Maximum passenger wait time
Norton Rd	12/5/18	6		0														
Norton Rd	12/5/18	7		2														
Norton Rd	12/5/18	8		1														
Norton Rd	12/5/18	9		3														
Norton Rd	12/5/18	10	17	8	8	1.0	8	50%	16	00:06:07	00:07:03	00:15:50						
Norton Rd	12/5/18	11	15	7	6	1.2	9	60%	15	00:06:39	00:08:53	00:21:15	00:00:15	00:01:49	1			00:01:49
Norton Rd	12/5/18	12	15	18	7	2.6	8	53%	15	00:07:29	00:08:06	00:14:29	00:00:51	00:03:49	4			00:03:49
Norton Rd	12/5/18	13	9	5	4	1.2	5	56%	9	00:08:58	00:06:03	00:08:09						
Norton Rd	12/5/18	14	19	6	5	1.2	12	71%	17	00:07:58	00:09:44	00:14:09						
Norton Rd	12/5/18	15	11	11	7	1.6	7	50%	14	00:12:47	00:10:11	00:14:36						
Norton Rd	12/5/18	16		7														
Norton Rd	12/5/18	17		15														
Norton Rd	12/5/18	18		26														
Norton Rd	12/5/18	19		22														
Norton Rd	12/5/18	20		17														
Norton Rd	12/5/18	21		27														
Norton Rd	12/5/18	22		33														
Norton Rd	12/5/18	23		13														
Norton Rd	13/5/18	0		15														
Norton Rd	13/5/18	1		8														
Norton Rd	13/5/18	2		0														
Norton Rd	13/5/18	3		0														
Norton Rd	13/5/18	4		1														
Norton Rd	13/5/18	5		0														
Norton Rd	12/5/18		86	245	37	1.5	49	57%	86				0:00:04					

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour	Date	Location
6	13/5/18	Norton Rd
7	13/5/18	Norton Rd
8	13/5/18	Norton Rd
9	13/5/18	Norton Rd
10	13/5/18	Norton Rd
11	13/5/18	Norton Rd
12	13/5/18	Norton Rd
13	13/5/18	Norton Rd
		Norton Rd

0
0
0
4
5
4
2
9
24

Maximum passenger wait time
Number waiting 11 mins or more
Number of people waiting 6-10 mins
Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

Old Ship Hotel	11/5/18	16	1	0	0		1	100%	1	00:01:05			
Old Ship Hotel	11/5/18	17	2	0	0		2	100%	2	00:00:05			
Old Ship Hotel	11/5/18	18	3	0	0		3	100%	3	00:00:45			
Old Ship Hotel	11/5/18	19	7	8	4	2.0	3	43%	7	00:06:13	00:04:20	00:17:05	
Old Ship Hotel	11/5/18	20	4	1	1	1.0	2	67%	3	00:10:50	00:01:05	00:02:05	
Old Ship Hotel	11/5/18	21	4	7	4	1.8	1	20%	5	00:17:20	00:16:25	00:23:05	
Old Ship Hotel	11/5/18	22	11	8	5	1.6	4	44%	9	00:08:07	00:09:18	00:20:09	
Old Ship Hotel	11/5/18	23	8	13	6	2.2	2	25%	8	00:11:13	00:09:18	00:15:47	
Old Ship Hotel	12/5/18	0	1	2	1	2.0	1	50%	2	02:07:37	02:07:37	02:07:37	
Old Ship Hotel	12/5/18	1	2	0	0		2	100%	2	00:00:48			
Old Ship Hotel	12/5/18	2	2	3	1	3.0	2	67%	3	00:06:17			
Old Ship Hotel	11/5/18		45	42	22	1.9	23	51%	45				0:00:00

Average Passenger Waiting Time, those waiting only																	
Average Passenger Waiting Time in Hour																	
Maximum Vehicle Waiting Time (for a fare)																	
Average Vehicle Waiting Time (for a fare)																	
Average Vehicle Waiting Time																	
Total Vehicle Departures																	
% of vehicles leaving empty																	
Empty Vehicle Departures																	
Average vehicle occupancy																	
Loaded Vehicle Departures																	
Total Passenger Departures																	
No of Vehicle Arrivals																	
Hour																	
Date																	
Location																	
Old Ship Hotel	12/5/18	22	19	35	17	2.1	1	6%	18	00:02:55	00:03:02	00:13:07	00:00:12	00:02:39	3		00:02:39
Old Ship Hotel	12/5/18	23	17	27	17	1.6	1	6%	18	00:03:40	00:03:51	00:12:57					
Old Ship Hotel	13/5/18	0	10	22	9	2.4	1	10%	10	00:01:39	00:01:48	00:05:18	00:00:50	00:01:32	12		00:01:42
Old Ship Hotel	13/5/18	1	2	3	1	3.0	1	50%	2	00:03:06	00:05:15	00:05:15					
Old Ship Hotel	13/5/18	2	3	3	2	1.5	1	33%	3	00:00:51	00:00:36	00:00:36					
Old Ship Hotel	12/5/18		51	90	46	2.0	5	10%	51				0:00:18				

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1- 5 mins	Number of people waiting 6- 10 mins	Number waiting 11 mins or more	Maximum passenger wait time
Palmeira Sq	12/5/18	6	3	2	1	2.0	1	50%	2	00:19:25	00:31:05	00:31:05						
Palmeira Sq	12/5/18	7	6	2	1	2.0	5	83%	6	00:20:35	00:28:05	00:28:05						
Palmeira Sq	12/5/18	8	7	1	1	1.0	5	83%	6	00:13:30	00:13:05	00:13:05						
Palmeira Sq	12/5/18	9	6	1	1	1.0	6	86%	7	00:08:28	00:09:46	00:15:05						
Palmeira Sq	12/5/18	10	9	7	7	1.0	2	22%	9	00:03:12	00:03:53	00:12:25	00:00:13	00:01:33	1			00:01:33
Palmeira Sq	12/5/18	11	7	6	5	1.2	2	29%	7	00:04:06	00:04:22	00:07:23						
Palmeira Sq	12/5/18	12	7	5	5	1.0	2	29%	7	00:06:56	00:06:54	00:16:03						
Palmeira Sq	12/5/18	13	2	3	3	1.0	0	0%	3	00:02:18	00:02:18	00:02:56						
Palmeira Sq	12/5/18	14	5	6	4	1.5	1	20%	5	00:03:51	00:04:47	00:13:33						
Palmeira Sq	12/5/18	15	4	3	2	1.5	2	50%	4	00:03:30	00:04:03	00:07:24						
Palmeira Sq	12/5/18	16	5	7	3	2.3	2	40%	5	00:00:41	00:01:05	00:02:05	00:01:08	00:04:00	2			00:04:00
Palmeira Sq	12/5/18	17	4	7	4	1.8	0	0%	4	00:01:05	00:01:05	00:04:05	00:00:08	00:01:00	1			00:01:00
Palmeira Sq	12/5/18	18	2	2	1	2.0	1	50%	2	00:24:35	00:19:05	00:19:05						
Palmeira Sq	12/5/18	19	4	3	1	3.0	3	75%	4	00:08:05	00:26:05	00:26:05						
Palmeira Sq	12/5/18	20	7	4	3	1.3	4	57%	7	00:02:47	00:01:45	00:03:05	00:02:00	00:04:00	2			00:04:00
Palmeira Sq	12/5/18	21	1	1	1	1.0	0	0%	1	00:00:05	00:00:05	00:00:05	00:01:00	00:01:00	1			00:01:00
Palmeira Sq	12/5/18	22	4	1	1	1.0	3	75%	4	00:01:20	00:00:05	00:00:05						
Palmeira Sq	12/5/18	23	2	3	1	3.0	1	50%	2	00:01:05	00:00:05	00:00:05	00:03:00	00:03:00	3			00:03:00
Palmeira Sq	13/5/18	0	5	5	2	2.5	2	50%	4	00:05:53	00:08:45	00:26:05						
Palmeira Sq	13/5/18	1	3	5	4	1.2	0	0%	4	00:03:05	00:03:05	00:07:05						
Palmeira Sq	13/5/18	2	4	1	1	1.0	3	75%	4	00:00:20	00:00:05	00:00:05	00:01:00	00:01:00	1			00:01:00
Palmeira Sq	13/5/18	3	5	0	0		3	100%	3	00:22:17								
Palmeira Sq	13/5/18	4	5	5	2	2.5	3	60%	5	00:34:17	00:07:05	00:08:05						
Palmeira Sq	13/5/18	5	3	1	1	1.0	4	80%	5	00:11:25	00:00:05	00:00:05						
Palmeira Sq	12/5/18		110	81	55	1.5	55	50%	110				0:00:22					

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

Paston Place	11/5/18	13	33	6	4	1.5	24	86%	28	00:08:43	00:09:12	00:14:40
Paston Place	11/5/18	14	22	1	1	1.0	22	96%	23	00:12:04	00:09:46	00:09:46
Paston Place	11/5/18	15	21	1	1	1.0	18	95%	19	00:16:05	00:13:49	00:24:02
Paston Place	11/5/18	16	22	4	4	1.0	21	84%	25	00:05:34	00:05:03	00:12:41
Paston Place	11/5/18	17	27	8	6	1.3	17	74%	23	00:11:02	00:12:27	00:26:23
Paston Place	11/5/18	18	23	9	5	1.8	21	81%	26	00:10:08	00:09:22	00:16:53
Paston Place	11/5/18	19	27	11	10	1.1	18	64%	28	00:06:26	00:04:42	00:08:48
Paston Place	11/5/18	20	23	2	2	1.0	24	92%	26	00:07:30	00:07:36	00:07:36
Paston Place	11/5/18		198	42	33	1.3	165	83%	198			0:00:00

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

0:00:00

00:00:28 00:00:28
00:04:55 00:09:20

00:07:43 00:00:28
00:07:38
00:04:53 00:04:55 00:09:20
00:02:42

14 00:07:43 00:00:28
14 00:07:38
20 00:04:53 00:04:55 00:09:20
17 00:02:42

93%
100%
95%
94%
95%

13
14
19
16
62

1.0
1.0
2.0
1.0
1.3

1
0
1
1
3

1
0
2
1
4

15
18
19
13
65

14
15
16
17

12/5/18
12/5/18
12/5/18
12/5/18
12/5/18

Paston Place
Paston Place
Paston Place
Paston Place
Paston Place

Maximum passenger wait time
Number waiting 11 mins or more
Number of people waiting 6-10 mins
Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

Queen Sq	11/5/18	10	17	10	9	1.1	3	25%	12	00:11:36	00:11:29	00:29:21
Queen Sq	11/5/18	11	19	10	10	1.0	4	29%	14	00:28:08	00:30:15	00:41:26
Queen Sq	11/5/18	12	15	19	17	1.1	5	23%	22	00:11:09	00:11:37	00:23:39
Queen Sq	11/5/18	13	24	19	17	1.1	1	6%	18	00:07:51	00:07:37	00:25:27
Queen Sq	11/5/18	14	27	30	24	1.2	6	20%	30	00:20:50	00:21:58	00:35:32
Queen Sq	11/5/18	15	29	24	20	1.2	4	17%	24	00:20:51	00:21:11	00:32:02
Queen Sq	11/5/18	16	36	40	35	1.1	4	10%	39	00:09:31	00:09:05	00:17:39
Queen Sq	11/5/18	17	42	50	35	1.4	2	5%	37	00:16:32	00:16:34	00:26:08
Queen Sq	11/5/18	18	30	38	29	1.3	3	9%	32	00:20:10	00:20:13	00:27:17
Queen Sq	11/5/18	19	17	31	20	1.6	1	5%	21	00:18:37	00:19:24	00:27:40
Queen Sq	11/5/18	20	17	16	13	1.2	5	28%	18	00:29:32	00:30:46	00:43:33
Queen Sq	11/5/18	21	28	43	25	1.7	3	11%	28	00:10:58	00:10:48	00:30:11
Queen Sq	11/5/18	22	25	30	17	1.8	3	15%	20	00:24:40	00:24:28	00:36:46
Queen Sq	11/5/18	23	25	40	21	1.9	3	12%	24	00:23:59	00:23:59	00:35:38
Queen Sq	12/5/18	0	39	76	45	1.7	0	0%	45	00:10:20	00:10:20	00:22:33
Queen Sq	12/5/18	1	32	44	24	1.8	5	17%	29	00:25:27	00:25:37	00:43:32
Queen Sq	12/5/18	2	25	47	30	1.6	4	12%	34	00:21:16	00:22:22	00:34:34
Queen Sq	11/5/18		447	567	391	1.5	56	13%	447			0:00:00

Location	Date	Hour	Average Passenger Waiting Time, those waiting only														
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
Queen Sq	12/5/18	10	18	22	15	1.5	0	0%	15	00:07:38	00:07:38	00:24:38	00:00:07	1			00:02:40
Queen Sq	12/5/18	11	20	17	14	1.2	3	18%	17	00:15:15	00:14:45	00:24:13					
Queen Sq	12/5/18	12	31	32	23	1.4	5	18%	28	00:13:06	00:13:37	00:24:49					
Queen Sq	12/5/18	13	41	73	44	1.7	1	2%	45	00:04:21	00:04:13	00:11:30	00:00:13	9			00:02:28
Queen Sq	12/5/18	14	54	78	47	1.7	2	4%	49	00:09:28	00:09:30	00:19:35					
Queen Sq	12/5/18	15	45	73	43	1.7	3	7%	46	00:13:33	00:13:41	00:25:58					
Queen Sq	12/5/18	16	57	101	58	1.7	2	3%	60	00:07:12	00:07:21	00:13:24					
Queen Sq	12/5/18	17	50	92	53	1.7	3	5%	56	00:08:39	00:08:22	00:17:41					
Queen Sq	12/5/18		316	488	297	1.6	19	6%	316				0:00:02				

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

Queen Sq	13/5/18	8	3	1	1	1.0	1	50%	2	00:15:10	00:10:09	00:14:26
Queen Sq	13/5/18	9	5	3	3	1.0	2	40%	5	00:11:44	00:16:35	00:17:40
Queen Sq	13/5/18	10	7	6	5	1.2	2	29%	7	00:26:25	00:30:59	00:38:14
Queen Sq	13/5/18	11	16	8	6	1.3	6	50%	12	00:18:33	00:15:14	00:31:38
Queen Sq	13/5/18	12	24	27	18	1.5	4	18%	22	00:16:24	00:17:59	00:44:19
Queen Sq	13/5/18	13	21	20	12	1.7	5	29%	17	00:23:46	00:23:54	00:41:52
Queen Sq	13/5/18	14	24	25	16	1.6	8	33%	24	00:24:41	00:25:16	00:37:29
Queen Sq	13/5/18	15	15	35	21	1.7	5	19%	26	00:25:10	00:24:41	00:32:12
Queen Sq	13/5/18		115	125	82	1.5	33	29%	115			0:00:00

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

St Peter's Pl	10/5/18	18	22	21	14	1.5	4	22%	18	00:06:03	00:05:57	00:16:31
St Peter's Pl	10/5/18	19	20	20	15	1.3	3	17%	18	00:10:18	00:09:42	00:24:46
St Peter's Pl	10/5/18	20	20	14	12	1.2	7	37%	19	00:16:48	00:16:36	00:25:12
St Peter's Pl	10/5/18	21	20	21	16	1.3	5	24%	21	00:22:02	00:21:45	00:37:10
St Peter's Pl	10/5/18	22	27	31	20	1.6	8	29%	28	00:13:23	00:13:45	00:24:44
St Peter's Pl	10/5/18	23	48	58	36	1.6	7	16%	43	00:08:27	00:08:07	00:35:21
St Peter's Pl	11/5/18	0	16	33	17	1.9	3	15%	20	00:21:11	00:20:24	00:34:23
St Peter's Pl	11/5/18	1	18	29	19	1.5	2	10%	21	00:14:40	00:14:46	00:23:41
St Peter's Pl	11/5/18	2	10	15	9	1.7	3	25%	12	00:14:55	00:16:56	00:30:01
St Peter's Pl	11/5/18	3	4	2	1	2.0	4	80%	5	00:13:57		
St Peter's Pl	11/5/18	4	5	2	2	1.0	2	50%	4	00:06:31	00:08:52	00:12:35
St Peter's Pl	11/5/18	5	4	1	1	1.0	3	75%	4	00:08:09	00:12:31	00:16:46
St Peter's Pl	10/5/18		214	247	162	1.5	51	24%	213			0:00:00

Location	Date	Hour	Number of people waiting 6-10 mins						Maximum passenger wait time			
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)
St Peter's PI	11/5/18	6	5	2	2	1.0	4	67%	6	00:06:27	00:12:36	00:12:36
St Peter's PI	11/5/18	7	5	1	1	1.0	4	80%	5	00:13:16	00:15:21	00:15:21
St Peter's PI	11/5/18	8	10	5	5	1.0	2	29%	7	00:12:58	00:14:27	00:32:44
St Peter's PI	11/5/18	9	13	11	10	1.1	2	17%	12	00:12:42	00:13:00	00:19:50
St Peter's PI	11/5/18	10	16	15	13	1.2	3	19%	16	00:12:35	00:12:59	00:22:34
St Peter's PI	11/5/18	11	18	12	12	1.0	2	14%	14	00:23:28	00:23:59	00:39:16
St Peter's PI	11/5/18	12	20	23	18	1.3	7	28%	25	00:09:18	00:09:58	00:15:46
St Peter's PI	11/5/18	13	20	20	18	1.1	3	14%	21	00:06:22	00:06:24	00:15:14
St Peter's PI	11/5/18	14	15	13	10	1.3	5	33%	15	00:10:09	00:09:38	00:24:58
St Peter's PI	11/5/18	15	27	25	23	1.1	1	4%	24	00:07:58	00:08:03	00:16:07
St Peter's PI	11/5/18	16	19	17	13	1.3	10	43%	23	00:12:17	00:12:10	00:26:06
St Peter's PI	11/5/18	17	29	23	20	1.1	4	17%	24	00:10:09	00:10:37	00:23:34
St Peter's PI	11/5/18	18	25	18	15	1.2	8	35%	23	00:13:28	00:15:05	00:24:33
St Peter's PI	11/5/18	19	31	33	25	1.3	5	17%	30	00:11:04	00:11:05	00:25:39
St Peter's PI	11/5/18	20	34	38	27	1.4	6	18%	33	00:11:10	00:11:16	00:20:31
St Peter's PI	11/5/18	21	40	47	34	1.4	8	19%	42	00:08:32	00:08:38	00:21:06
St Peter's PI	11/5/18	22	38	60	36	1.7	4	10%	40	00:10:48	00:10:43	00:24:13
St Peter's PI	11/5/18	23	49	80	41	2.0	6	13%	47	00:09:11	00:09:31	00:22:02
St Peter's PI	12/5/18	0	56	82	46	1.8	13	22%	59	00:06:07	00:06:08	00:12:00
St Peter's PI	12/5/18	1	52	97	51	1.9	3	6%	54	00:05:08	00:05:14	00:09:38
St Peter's PI	12/5/18	2	35	64	32	2.0	1	3%	33	00:10:32	00:10:49	00:16:55
St Peter's PI	12/5/18	3	16	28	18	1.6	2	10%	20	00:04:53	00:05:09	00:14:39
St Peter's PI	12/5/18	4	11	7	4	1.8	6	60%	10	00:07:18	00:06:22	00:17:12
St Peter's PI	12/5/18	5	10	10	7	1.4	3	30%	10	00:05:20	00:06:16	00:17:39
St Peter's PI	11/5/18		594	731	481	1.5	112	19%	593			0:00:00

Location	Date	Hour																
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
St Peter's PI	12/5/18	6	9	10	7	1.4	3	30%	10	00:05:08	00:05:37	00:13:24						
St Peter's PI	12/5/18	7	13	6	6	1.0	4	40%	10	00:15:41	00:14:09	00:32:15						
St Peter's PI	12/5/18	8	11	4	3	1.3	9	75%	12	00:19:04	00:14:01	00:34:14						
St Peter's PI	12/5/18	9	14	6	5	1.2	9	64%	14	00:15:14	00:15:29	00:28:13						
St Peter's PI	12/5/18	10	17	9	6	1.5	10	62%	16	00:12:06	00:11:21	00:21:55	00:00:15	00:01:23	2		00:01:23	
St Peter's PI	12/5/18	11	24	20	16	1.2	9	36%	25	00:05:55	00:05:51	00:12:54						
St Peter's PI	12/5/18	12	18	22	17	1.3	3	15%	20	00:04:24	00:04:33	00:10:00						
St Peter's PI	12/5/18	13	19	35	20	1.8	0	0%	20	00:01:39	00:01:39	00:04:54	00:00:13	00:03:51	2		00:04:11	
St Peter's PI	12/5/18	14	24	36	21	1.7	3	12%	24	00:04:57	00:04:55	00:12:38						
St Peter's PI	12/5/18	15	27	41	25	1.6	2	7%	27	00:04:34	00:04:35	00:12:46	00:00:07	00:01:41	3		00:02:56	
St Peter's PI	12/5/18	16	34	42	27	1.6	7	21%	34	00:05:40	00:05:35	00:19:44						
St Peter's PI	12/5/18	17	28	42	23	1.8	2	8%	25	00:05:22	00:05:41	00:12:49	00:00:08	00:01:59	3		00:02:36	
St Peter's PI	12/5/18	18	25	36	19	1.9	5	21%	24	00:13:32	00:12:48	00:28:42						
St Peter's PI	12/5/18	19	29	39	26	1.5	3	10%	29	00:06:26	00:06:22	00:11:30						
St Peter's PI	12/5/18	20	23	29	16	1.8	7	30%	23	00:13:57	00:12:26	00:30:45						
St Peter's PI	12/5/18	21	38	53	26	2.0	8	24%	34	00:08:54	00:09:00	00:17:40						
St Peter's PI	12/5/18	22	32	64	30	2.1	3	9%	33	00:10:17	00:10:19	00:21:30						
St Peter's PI	12/5/18	23	51	93	49	1.9	5	9%	54	00:05:13	00:05:14	00:09:43						
St Peter's PI	13/5/18	0	63	109	61	1.8	2	3%	63	00:05:07	00:05:09	00:17:10	00:00:05	00:01:59	5		00:04:04	
St Peter's PI	13/5/18	1	51	89	47	1.9	3	6%	50	00:06:19	00:06:22	00:14:16		00:01:09	1		00:01:09	
St Peter's PI	13/5/18	2	32	57	31	1.8	3	9%	34	00:10:06	00:10:06	00:18:24						
St Peter's PI	13/5/18	3	20	28	16	1.8	5	24%	21	00:07:19	00:08:40	00:15:24						
St Peter's PI	13/5/18	4	12	12	7	1.7	5	42%	12	00:06:23	00:09:45	00:32:40						
St Peter's PI	13/5/18	5	11	8	7	1.1	4	36%	11	00:11:16	00:12:54	00:42:34						
St Peter's PI	12/5/18		625	890	511	1.7	114	18%	625				0:00:02					

Location	Date	Hour											Average Passenger Waiting Time, those waiting only			Number of people waiting 1-5 mins			Number of people waiting 6-10 mins			Number waiting 11 mins or more			Maximum passenger wait time		
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour														
St Peter's PI	13/5/18	6	9	9	6	1.5	2	25%	8	00:14:47	00:13:07	00:23:36															
St Peter's PI	13/5/18	7	8	6	6	1.0	2	25%	8	00:17:11	00:12:44	00:34:27															
St Peter's PI	13/5/18	8	7	6	5	1.2	3	38%	8	00:17:19	00:09:54	00:28:39															
St Peter's PI	13/5/18	9	14	5	4	1.2	8	67%	12	00:18:46	00:23:43	00:34:49															
St Peter's PI	13/5/18	10	13	8	6	1.3	7	54%	13	00:14:34	00:13:56	00:21:00															
St Peter's PI	13/5/18	11	10	3	2	1.5	6	75%	8	00:28:37	00:31:06	00:48:13															
St Peter's PI	13/5/18	12	15	17	13	1.3	4	24%	17	00:12:38	00:13:09	00:26:38															
St Peter's PI	13/5/18	13	12	20	10	2.0	2	17%	12	00:13:20	00:13:03	00:36:31	00:00:21	00:03:37	2									00:03:37			
St Peter's PI	13/5/18	14	23	18	13	1.4	8	38%	21	00:12:03	00:13:20	00:24:23															
St Peter's PI	13/5/18	15	11	25	13	1.9	4	24%	17	00:13:04	00:14:21	00:23:30															
St Peter's PI	13/5/18		122	117	78	1.5	46	37%	124				0:00:04														

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

West St	10/5/18	18	8	3	3	1.0	4	57%	7	00:03:41	00:02:05	00:04:05
West St	10/5/18	19	5	2	1	2.0	5	83%	6	00:17:29	00:10:05	00:10:05
West St	10/5/18	20	13	1	1	1.0	10	91%	11	00:15:37	00:23:35	00:27:05
West St	10/5/18	21	9	11	5	2.2	4	44%	9	00:11:38	00:13:15	00:20:05
West St	10/5/18	22	15	18	8	2.2	6	43%	14	00:11:00	00:09:35	00:14:05
West St	10/5/18	23	14	13	9	1.4	7	44%	16	00:12:27	00:12:05	00:23:30
West St	11/5/18	0	14	10	6	1.7	5	45%	11	00:18:28	00:19:37	00:42:34
West St	11/5/18	1	19	13	10	1.3	10	50%	20	00:08:31	00:09:54	00:24:41
West St	11/5/18	2	7	6	4	1.5	5	56%	9	00:09:34	00:12:51	00:23:04
West St	11/5/18	3	6	6	4	1.5	3	43%	7	00:06:55	00:05:13	00:11:45
West St	11/5/18	4		0								
West St	11/5/18	5		0								
West St	10/5/18		110	83	51	1.6	59	54%	110			0:00:00

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins				Number of people waiting 6-10 mins				Number waiting 11 mins or more				Maximum passenger wait time
West St	11/5/18	6		0																							
West St	11/5/18	7		0																							
West St	11/5/18	8	2	0	0		2	100%	2	00:07:35																	
West St	11/5/18	9	3	2	1	2.0	2	67%	3	00:01:45	00:02:05	00:02:05															
West St	11/5/18	10	3	0	0		2	100%	2	00:18:05																	
West St	11/5/18	11	1	0	0		2	100%	2	00:13:05																	
West St	11/5/18	12	1	0	0		1	100%	1	00:09:05																	
West St	11/5/18	13		0																							
West St	11/5/18	14	1	0	0		1	100%	1	00:00:05																	
West St	11/5/18	15	2	5	1	5.0	1	50%	2	00:08:35	00:17:05	00:17:05															
West St	11/5/18	16	2	2	2	1.0	0	0%	2	00:12:35	00:12:35	00:25:05															
West St	11/5/18	17	7	5	2	2.5	3	60%	5	00:08:47	00:09:05	00:16:05															
West St	11/5/18	18	12	9	5	1.8	5	50%	10	00:11:50	00:09:05	00:15:05															
West St	11/5/18	19	17	8	4	2.0	10	71%	14	00:17:36	00:17:47	00:27:05															
West St	11/5/18	20	17	22	12	1.8	7	37%	19	00:20:33	00:21:54	00:49:05															
West St	11/5/18	21	10	10	5	2.0	9	64%	14	00:26:59	00:29:05	00:37:05															
West St	11/5/18	22	32	6	2	3.0	22	92%	24	00:11:55	00:16:29	00:20:44	00:06:33	00:09:21		4	5	5								00:18:00	
West St	11/5/18	23	31	32	22	1.5	9	29%	31	00:13:50	00:14:29	00:23:06	00:08:34	00:10:37		6	5	10								00:18:03	
West St	12/5/18	0	52	44	36	1.2	18	33%	54	00:08:12	00:08:51	00:16:22	00:03:21	00:05:33		14	10	2								00:16:35	
West St	12/5/18	1	52	71	42	1.7	7	14%	49	00:10:12	00:10:43	00:19:02	00:00:09	00:02:07		5	0	0								00:03:40	
West St	12/5/18	2	61	89	57	1.6	4	7%	61	00:08:29	00:08:33	00:16:42															
West St	12/5/18	3	64	83	66	1.3	1	1%	67	00:06:19	00:06:11	00:13:04															
West St	12/5/18	4	25	37	20	1.9	11	35%	31	00:10:28	00:09:46	00:28:05															
West St	12/5/18	5	7	5	3	1.7	5	62%	8	00:13:12	00:05:35	00:06:05															
West St	11/5/18		402	430	280	1.5	122	30%	402				0:01:11														

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
West St	12/5/18	6	2	0	0		1	100%	1	00:04:05								
West St	12/5/18	7		0	0		1	100%	1									
West St	12/5/18	8		0														
West St	12/5/18	9	3	0	0		3	100%	3	00:02:05								
West St	12/5/18	10	1	0	0		1	100%	1	00:06:05								
West St	12/5/18	11	1	0	0		1	100%	1	00:02:05								
West St	12/5/18	12	1	0	0		1	100%	1	00:00:05								
West St	12/5/18	13	6	6	1	6.0	4	80%	5	00:02:25	00:04:05	00:04:05						
West St	12/5/18	14	5	4	2	2.0	4	67%	6	00:01:17	00:01:35	00:03:05						
West St	12/5/18	15	8	18	7	2.6	1	12%	8	00:00:57	00:01:05	00:03:05						
West St	12/5/18	16	18	24	13	1.8	5	28%	18	00:06:01	00:05:46	00:17:05						
West St	12/5/18	17	14	20	9	2.2	5	36%	14	00:02:43	00:03:05	00:11:05						
West St	12/5/18	18	23	47	19	2.5	3	14%	22	00:02:07	00:02:01	00:09:05	00:00:05	00:02:00	2		00:02:00	
West St	12/5/18	19	24	13	7	1.9	15	68%	22	00:08:20	00:11:18	00:21:05						
West St	12/5/18	20	15	29	11	2.6	4	27%	15	00:13:05	00:14:35	00:23:05						
West St	12/5/18	21	21	26	11	2.4	8	42%	19	00:19:45	00:18:05	00:34:05						
West St	12/5/18	22	41	55	27	2.0	16	37%	43	00:05:16	00:05:28	00:13:05						
West St	12/5/18	23	41	65	33	2.0	10	23%	43	00:08:43	00:08:43	00:14:05						
West St	13/5/18	0	70	123	61	2.0	1	2%	62	00:04:33	00:04:36	00:16:11	00:00:01	00:01:27	2		00:01:27	
West St	13/5/18	1	74	153	78	2.0	0	0%	78	00:06:38	00:06:38	00:12:25						
West St	13/5/18	2	96	192	93	2.1	1	1%	94	00:05:11	00:05:12	00:07:31						
West St	13/5/18	3	93	193	92	2.1	0	0%	92	00:05:24	00:05:24	00:10:43						
West St	13/5/18	4	20	37	22	1.7	1	4%	23	00:20:23	00:19:58	00:43:05						
West St	13/5/18	5	6	15	5	3.0	4	44%	9	00:26:05	00:23:35	00:35:05						
West St	12/5/18		583	1020	491	2.1	90	16%	581				0:00:00					

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

0:00:00

02:21:05

01:07:05

00:37:35

00:35:45

00:09:05

5

3

2

1

11

60%

33%

50%

100%

55%

3

1

1

1

6

1.0

1.0

2.0

1.2

2

2

1

5

2

2

2

0

6

4

3

2

0

9

6

7

8

9

10

11

13/5/18

13/5/18

13/5/18

13/5/18

13/5/18

West St

West St

West St

West St

West St

Location	Date	Hour	Average Passenger Waiting Time, those waiting only													
			Maximum passenger wait time			Number waiting 11 mins or more			Number of people waiting 6-10 mins			Number of people waiting 1-5 mins				
			Average Passenger Waiting Time in Hour													
			Maximum Vehicle Waiting Time (for a fare)													
			Average Vehicle Waiting Time (for a fare)													
			Average Vehicle Waiting Time													
			Total Vehicle Departures													
			% of vehicles leaving empty													
			Empty Vehicle Departures													
			Average vehicle occupancy													
			Loaded Vehicle Departures													
			Total Passenger Departures													
			No of Vehicle Arrivals													
			Station	10/5/18	18	130	141	114	1.2	4	3%	118	00:05:57	00:06:00	00:12:53	
Station	10/5/18	19	137	174	135	1.3	1	1%	136	00:06:11	00:06:11	00:12:43				
Station	10/5/18	20	81	107	91	1.2	1	1%	92	00:12:39	00:12:31	00:32:50				
Station	10/5/18	21	160	175	143	1.2	3	2%	146	00:07:10	00:07:09	00:17:11				
Station	10/5/18	22	122	126	114	1.1	2	2%	116	00:11:07	00:11:08	00:21:16				
Station	10/5/18	23	147	168	147	1.1	0	0%	147	00:08:42	00:08:38	00:20:09	00:00:02	00:01:40	5	00:02:26
Station	11/5/18	0	99	117	99	1.2	2	2%	101	00:13:58	00:13:58	00:26:16				
Station	11/5/18	1	40	65	54	1.2	0	0%	54	00:30:08	00:06:52	00:12:28				
Station	11/5/18	2		0												
Station	10/5/18		916	1073	897	1.2	13	5%	910			0:00:00				

Location	Date	Hour											Maximum passenger wait time		
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number waiting 11 mins or more Number of people waiting 6-10 mins Number of people waiting 1-5 mins
Station	11/5/18	3	4	0	0		1	100%	1	00:39:04					
Station	11/5/18	4	12	0	0		12	100%	12	00:38:39	00:39:03	00:39:03			
Station	11/5/18	5	18	4	3	1.3	16	84%	19	00:19:47	00:22:05	00:32:19			
Station	11/5/18	6	43	2	2	1.0	36	95%	38	00:13:24	00:06:58	00:09:29			
Station	11/5/18	7	66	26	24	1.1	41	63%	65	00:10:47	00:10:49	00:18:31			
Station	11/5/18	8	59	53	48	1.1	14	23%	62	00:08:31	00:08:21	00:21:05			
Station	11/5/18	9	68	49	45	1.1	12	21%	57	00:23:31	00:23:08	00:37:02			
Station	11/5/18	10	60	53	40	1.3	17	30%	57	00:27:09	00:27:23	00:37:28			
Station	11/5/18	11	59	80	58	1.4	7	11%	65	00:19:51	00:20:13	00:38:47			
Station	11/5/18	12	72	97	67	1.4	2	3%	69	00:18:34	00:18:30	00:29:11			
Station	11/5/18	13	81	134	82	1.6	4	5%	86	00:14:37	00:14:16	00:22:23			
Station	11/5/18	14	116	187	102	1.8	2	2%	104	00:13:34	00:13:33	00:22:52			
Station	11/5/18	15	103	163	106	1.5	2	2%	108	00:13:57	00:13:59	00:22:37			
Station	11/5/18	16	113	166	109	1.5	2	2%	111	00:13:14	00:13:16	00:18:24			
Station	11/5/18	17	131	200	132	1.5	4	3%	136	00:10:22	00:10:20	00:22:41			
Station	11/5/18	18	138	201	134	1.5	0	0%	134	00:11:14	00:11:14	00:18:43			
Station	11/5/18	19	165	201	160	1.3	0	0%	160	00:10:40	00:10:40	00:20:26			
Station	11/5/18	20	150	222	154	1.4	1	1%	155	00:09:31	00:09:31	00:17:33			
Station	11/5/18	21	120	186	118	1.6	0	0%	118	00:15:15	00:15:09	00:26:41			
Station	11/5/18	22	109	138	104	1.3	3	3%	107	00:15:15	00:15:14	00:24:30			
Station	11/5/18	23	140	196	165	1.2	4	2%	169	00:08:22	00:08:13	00:15:24	00:00:02	00:02:17	3
Station	12/5/18	0		134											00:02:24
Station	12/5/18	1		73											
Station	11/5/18		1827	2565	1653	1.4	180	8%	1833				0:00:00		

Location	Date	Hour	Average Passenger Waiting Time, those waiting only										Maximum passenger wait time			
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more
Station	12/5/18	3		18												
Station	12/5/18	4		6												
Station	12/5/18	5		1												
Station	12/5/18	6		9												
Station	12/5/18	7		17												
Station	12/5/18	8		18												
Station	12/5/18	9		85												
Station	12/5/18	10	55	79	50	1.6	5	9%	55	00:04:07	00:03:43	00:17:17				
Station	12/5/18	11	79	118	74	1.6	5	6%	79	00:05:00	00:04:52	00:15:57				
Station	12/5/18	12	78	111	73	1.5	1	1%	74	00:02:00	00:02:01	00:06:39	00:00:55	00:03:07	33 1	00:07:57
Station	12/5/18	13	93	134	92	1.5	0	0%	92	00:02:01	00:02:01	00:04:14	00:05:39	00:06:16	61 57 9	00:14:43
Station	12/5/18	14	106	132	95	1.4	0	0%	95	00:04:21	00:04:21	00:12:45	00:02:13	00:03:44	64 14	00:10:17
Station	12/5/18	15	121	184	137	1.3	0	0%	137	00:04:06	00:04:06	00:07:57	00:00:02	00:01:43	4	00:02:16
Station	12/5/18		532	912	521	1.5	11	2%	532				0:01:19			

Location	Date	Hour	Average Passenger Waiting Time, those waiting only										Maximum passenger wait time			
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more
Station	13/5/18	9	41	32	19	1.7	20	51%	39	00:07:29	00:08:06	00:22:28				
Station	13/5/18	10	58	49	35	1.4	13	27%	48	00:13:43	00:13:40	00:35:57	00:00:31	00:02:18	11	00:05:31
Station	13/5/18	11	68	58	43	1.3	20	32%	63	00:11:22	00:12:35	00:22:11				
Station	13/5/18	12	69	82	61	1.3	14	19%	75	00:09:38	00:09:35	00:21:12				
Station	13/5/18	13	81	100	70	1.4	4	5%	74	00:10:10	00:10:15	00:16:47	00:00:01	00:01:00	2	00:01:00
Station	13/5/18	14	65	74	55	1.3	8	13%	63	00:17:15	00:17:30	00:28:33				
Station	13/5/18	15	49	86	61	1.4	8	12%	69	00:13:42	00:14:12	00:20:21				
Station	13/5/18		431	481	344	1.4	87	20%	431				0:00:03			

Maximum passenger wait time

Number waiting 11 mins or more

Number of people waiting 6-10 mins

Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

0:00:07

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

13574

% of vehicles leaving empty

16%

Empty Vehicle Departures

2175

Average vehicle occupancy

1.4

Loaded Vehicle Departures

11399

Total Passenger Departures

16263

No of Vehicle Arrivals

13574

Hour

Date

All, May

Location

All

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
East St	9/3/18	8	16	8	8	1	7	47%	15	00:08:24	00:08:43	00:17:20						
East St	9/3/18	9	32	15	12	1.2	12	50%	24	00:10:40	00:10:19	00:19:35						
East St	9/3/18	10	34	29	25	1.2	10	29%	35	00:13:19	00:14:44	00:24:23						
East St	9/3/18	11	28	18	15	1.2	6	29%	21	00:30:51	00:31:26	00:43:14						
East St	9/3/18	12	19	29	25	1.2	4	14%	29	00:17:04	00:18:06	00:29:55						
East St	9/3/18	13	48	35	33	1.1	7	18%	40	00:11:14	00:11:35	00:32:38						
East St	9/3/18	14	34	35	30	1.2	7	19%	37	00:23:57	00:23:32	00:37:26						
East St	9/3/18	15	50	57	47	1.2	3	6%	50	00:14:52	00:14:28	00:27:34						
East St	9/3/18	16	46	54	41	1.3	1	2%	42	00:12:47	00:12:31	00:22:35						
East St	9/3/18	17	52	67	59	1.1	6	9%	65	00:09:57	00:10:00	00:22:41						
East St	9/3/18	18	79	86	63	1.4	3	5%	66	00:09:23	00:09:27	00:15:46						
East St	9/3/18	19	70	88	61	1.4	8	12%	69	00:13:50	00:14:06	00:26:48						
East St	9/3/18	20	60	94	58	1.6	2	3%	60	00:14:29	00:14:16	00:26:28						
East St	9/3/18	21	64	105	67	1.6	1	1%	68	00:14:26	00:14:33	00:22:29						
East St	9/3/18	22	87	128	79	1.6	1	1%	80	00:12:27	00:12:29	00:18:54						
East St	9/3/18	23	91	141	86	1.6	0	0%	86	00:12:04	00:12:02	00:20:34						
East St	10/3/18	0	80	142	83	1.7	3	3%	86	00:13:31	00:13:28	00:22:47						
East St	10/3/18	1	110	180	111	1.6	0	0%	111	00:09:28	00:09:28	00:14:04						
East St	10/3/18	2	90	134	87	1.5	1	1%	88	00:10:19	00:10:19	00:20:08						
East St	10/3/18	3	69	132	77	1.7	1	1%	78	00:10:11	00:10:12	00:23:12						
East St	10/3/18	4	65	103	59	1.7	4	6%	63	00:10:02	00:10:06	00:34:27						
East St	10/3/18	5	20	42	21	2	6	22%	27	00:13:13	00:13:07	00:37:46	00:00:19	00:06:50	2		00:06	
East St	10/3/18	6	19	18	14	1.3	7	33%	21	00:05:09	00:04:44	00:12:41						
East St	10/3/18	7	23	14	10	1.4	8	44%	18	00:13:15	00:12:06	00:26:02						
East St	9/3/18		1286	1754	1171	1.5	108	8%	1279				00:00:00					

Location	Date	Hour	Maximum passenger wait time									
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)
East St	10/3/18	8	12	8	7	1.1	12	63%	19	00:07:06	00:10:02	00:17:51
East St	10/3/18	9	17	7	6	1.2	6	50%	12	00:18:11	00:20:26	00:26:54
East St	10/3/18	10	22	21	17	1.2	5	23%	22	00:16:33	00:16:31	00:37:27
East St	10/3/18	11	32	27	21	1.3	7	25%	28	00:19:10	00:21:23	00:39:15
East St	10/3/18	12	23	47	28	1.7	1	3%	29	00:09:15	00:09:15	00:27:19
East St	10/3/18	13	49	48	34	1.4	5	13%	39	00:13:00	00:13:05	00:20:27
East St	10/3/18	14	48	67	46	1.5	4	8%	50	00:15:03	00:15:16	00:24:41
East St	10/3/18	15	61	77	51	1.5	2	4%	53	00:17:00	00:17:05	00:27:21
East St	10/3/18	16	47	79	47	1.7	1	2%	48	00:18:57	00:18:52	00:25:38
East St	10/3/18	17	70	111	72	1.5	6	8%	78	00:11:35	00:11:36	00:18:40
East St	10/3/18	18	61	85	48	1.8	3	6%	51	00:18:40	00:18:48	00:25:56
East St	10/3/18	19	62	105	60	1.8	4	6%	64	00:18:04	00:18:03	00:27:18
East St	10/3/18	20	62	122	57	2.1	3	5%	60	00:16:05	00:16:14	00:24:05
East St	10/3/18	21	79	130	74	1.8	3	4%	77	00:14:55	00:14:56	00:23:29
East St	10/3/18	22	104	192	107	1.8	1	1%	108	00:09:38	00:09:38	00:16:28
East St	10/3/18	23	109	204	108	1.9	1	1%	109	00:10:30	00:10:26	00:18:18
East St	11/3/18	0	86	126	96	1.3	3	3%	99	00:08:20	00:08:28	00:15:21
East St	11/3/18	1	97	126	97	1.3	2	2%	99	00:01:58	00:01:59	00:11:04
East St	11/3/18	2	117	145	114	1.3	0	0%	114	00:02:00	00:02:00	00:08:09
East St	11/3/18	3	98	125	89	1.4	1	1%	90	00:06:40	00:06:42	00:18:09
East St	11/3/18	4	59	76	60	1.3	0	0%	60	00:15:37	00:15:18	00:29:32
East St	11/3/18	5	30	36	27	1.3	4	13%	31	00:25:56	00:25:12	00:36:58
East St	11/3/18	6	22	33	22	1.5	6	21%	28	00:18:06	00:18:12	00:34:36
East St	11/3/18	7	15	9	8	1.1	13	62%	21	00:22:54	00:20:49	00:23:52
East St	10/3/18		1382	2006	1296	1.5	93	7%	1389			00:00:00

Maximum passenger wait time
Number waiting 11 mins or more
Number of people waiting 6-10 mins
Number of people waiting 1-5 mins

Average Passenger Waiting Time, those waiting only

Average Passenger Waiting Time in Hour

Maximum Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time (for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

Date

Location

00:01

4

00:01:10

00:00:02

00:11:04

00:01:59

00:01:58

99

3%

3

1.3

96

126

86

0

11/3/18

East St

00:15:21

Location	Date	Hour															Maximum passenger wait time
			No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	
St Peter's St	9/3/18	8	14	10	7	1.4	3	30%	10	00:07:49	00:06:23	00:15:10					
St Peter's St	9/3/18	9	15	7	7	1	9	56%	16	00:14:54	00:15:24	00:23:12					
St Peter's St	9/3/18	10	18	18	15	1.2	4	21%	19	00:10:07	00:10:06	00:17:57					
St Peter's St	9/3/18	11	14	9	9	1	4	31%	13	00:25:16	00:27:42	00:35:38					
St Peter's St	9/3/18	12	20	12	8	1.5	8	50%	16	00:14:04	00:14:03	00:24:15					
St Peter's St	9/3/18	13	17	17	12	1.4	6	33%	18	00:19:22	00:18:50	00:25:34					
St Peter's St	9/3/18	14	20	17	14	1.2	6	30%	20	00:10:50	00:11:31	00:18:57					
St Peter's St	9/3/18	15	19	22	18	1.2	4	18%	22	00:10:14	00:09:39	00:19:39					
St Peter's St	9/3/18	16	24	33	25	1.3	1	4%	26	00:06:21	00:06:03	00:20:36	00:00:02	00:01:18	1		00:01
St Peter's St	9/3/18	17	24	28	23	1.2	1	4%	24	00:05:51	00:05:49	00:10:37	00:00:08	00:01:55	2		00:02
St Peter's St	9/3/18	18	29	37	27	1.4	1	4%	28	00:03:36	00:03:38	00:08:50	00:00:11	00:01:21	5		00:01
St Peter's St	9/3/18	19	24	27	21	1.3	0	0%	21	00:07:35	00:07:19	00:18:40	00:00:06	00:03:07	1		00:03
St Peter's St	9/3/18	20	25	15	13	1.2	13	50%	26	00:10:00	00:09:45	00:20:44					
St Peter's St	9/3/18	21	25	26	21	1.2	4	16%	25	00:10:31	00:10:56	00:16:44					
St Peter's St	9/3/18	22	44	69	35	2	6	15%	41	00:07:28	00:07:08	00:13:58	00:00:07	00:02:15	4		00:02
St Peter's St	9/3/18	23	30	39	22	1.8	7	24%	29	00:11:07	00:09:44	00:19:02					
St Peter's St	10/3/18	0	36	49	34	1.4	5	13%	39	00:07:52	00:07:49	00:15:37					
St Peter's St	10/3/18	1	27	33	22	1.5	6	21%	28	00:09:41	00:09:07	00:17:08					
St Peter's St	10/3/18	2	18	24	13	1.8	6	32%	19	00:13:04	00:13:03	00:27:59					
St Peter's St	10/3/18	3	9	8	7	1.1	4	36%	11	00:12:11	00:14:04	00:18:58					
St Peter's St	10/3/18	4	10	5	5	1	4	44%	9	00:07:43	00:06:31	00:16:27	00:00:58	00:02:26	2		00:03
St Peter's St	10/3/18	5	5	2	2	1	4	67%	6	00:09:14	00:16:21	00:16:21					
St Peter's St	10/3/18	6	7	3	3	1	3	50%	6	00:08:05	00:07:18	00:12:57					
St Peter's St	10/3/18	7	9	3	3	1	6	67%	9	00:17:19	00:13:43	00:23:23					
St Peter's St	9/3/18		483	513	366	1.4	115	24%	481				00:00:03				

Location	Date	Hour	No of Vehicle Arrivals	Total Passenger Departures	Loaded Vehicle Departures	Average vehicle occupancy	Empty Vehicle Departures	% of vehicles leaving empty	Total Vehicle Departures	Average Vehicle Waiting Time	Average Vehicle Waiting Time (for a fare)	Maximum Vehicle Waiting Time (for a fare)	Average Passenger Waiting Time in Hour	Average Passenger Waiting Time, those waiting only	Number of people waiting 1-5 mins	Number of people waiting 6-10 mins	Number waiting 11 mins or more	Maximum passenger wait time
St Peter's St	10/3/18	8	7	5	5	1	4	44%	9	00:12:48	00:05:16	00:06:40	00:00:47	00:04:42	1			00:04
St Peter's St	10/3/18	9	17	11	9	1.2	5	36%	14	00:08:54	00:09:55	00:29:13						
St Peter's St	10/3/18	10	12	12	11	1.1	2	15%	13	00:06:15	00:06:14	00:12:25						
St Peter's St	10/3/18	11	15	12	11	1.1	4	27%	15	00:11:01	00:09:50	00:18:55	00:01:03	00:04:12	3			00:04
St Peter's St	10/3/18	12	17	17	11	1.5	6	35%	17	00:08:56	00:10:24	00:21:34						
St Peter's St	10/3/18	13	18	18	11	1.6	4	27%	15	00:15:52	00:15:35	00:26:00						
St Peter's St	10/3/18	14	16	19	12	1.6	6	33%	18	00:11:42	00:12:10	00:24:57	00:00:10	00:01:35	2			00:01
St Peter's St	10/3/18	15	18	19	13	1.5	4	24%	17	00:12:46	00:13:04	00:21:19						
St Peter's St	10/3/18	16	24	5	19	1.5	3	14%	22	00:12:02	00:11:48	00:31:28	00:00:27	00:04:24	3			00:04
St Peter's St	10/3/18	17	24	37	21	1.8	5	19%	26	00:08:10	00:07:44	00:19:53						
St Peter's St	10/3/18	18	23	30	20	1.5	5	20%	25	00:06:54	00:06:58	00:15:07	00:00:05	00:01:24	2			00:01
St Peter's St	10/3/18	19	35	35	25	1.4	7	22%	32	00:05:31	00:05:17	00:13:49	00:00:04	00:02:27	1			00:02
St Peter's St	10/3/18	20	19	22	12	1.8	6	33%	18	00:21:13	00:20:37	00:32:47						
St Peter's St	10/3/18	21	33	40	23	1.7	11	32%	34	00:09:11	00:09:49	00:15:53	00:00:07	00:01:16	4	0	0	00:01
St Peter's St	10/3/18	22	34	60	31	1.9	4	11%	35	00:10:03	00:09:40	00:20:32						
St Peter's St	10/3/18	23	24	30	19	1.6	3	14%	22	00:17:00	00:17:29	00:30:54						
St Peter's St	11/3/18	0	38	58	31	1.9	9	22%	40	00:10:59	00:10:29	00:18:50						
St Peter's St	11/3/18	1	30	51	27	1.9	3	10%	30	00:09:40	00:09:47	00:18:14						
St Peter's St	11/3/18	2	17	17	13	1.3	6	32%	19	00:08:25	00:07:33	00:13:15						
St Peter's St	11/3/18	3	11	23	10	2.3	1	9%	11	00:10:26	00:08:49	00:26:15						
St Peter's St	11/3/18	4	14	10	6	1.7	7	54%	13	00:08:38	00:10:27	00:36:07	00:00:27	00:02:19	2			00:02
St Peter's St	11/3/18	5	3	4	3	1.3	2	40%	5	00:13:15	00:20:38	00:20:38						
St Peter's St	11/3/18	6	10	7	5	1.4	5	50%	10	00:11:12	00:02:49	00:04:59	00:00:29	00:01:42	2			00:01
St Peter's St	11/3/18	7	3		0		4	100%	4	00:27:04								
St Peter's St	10/3/18		462	566	348	1.6	116	25%	464				00:00:06					

Maximum passenger wait time	00:06
Number waiting 11 mins or more	
Number of people waiting 6-10 mins	
Number of people waiting 1-5 mins	
Average Passenger Waiting Time, those waiting only	
Average Passenger Waiting Time in Hour	00:00:01
Maximum Vehicle Waiting Time (for a fare)	
Average Vehicle Waiting Time (for a fare)	
Average Vehicle Waiting Time	
Total Vehicle Departures	3613
% of vehicles leaving empty	12%
Empty Vehicle Departures	432
Average vehicle occupancy	1.5
Loaded Vehicle Departures	3181
Total Passenger Departures	4839
No of Vehicle Arrivals	3613
Hour	96
Date	All, March
Location	

Q1. Have you used a taxi in this area in the past 3 months?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
Yes	24	16%	8	16%	24	16%	56	16%
No	126	84%	42	84%	126	84%	294	84%
Total	150	100%	50	100%	150	100%	350	100%

Q2: How often do you use a taxi within the Brighton and Hove area?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
3 or more times a week	2	7%	0	0%	2	6%	4	5%
once or twice a week	7	23%	1	9%	7	21%	15	20%
less than 1/week, but more than 2/month	1	3%	0	0%	1	3%	2	3%
once or twice a month	7	23%	3	27%	7	21%	17	23%
less than 1/month, but more than 2/year	5	17%	1	9%	5	15%	11	15%
once or twice a year	0	0%	3	27%	3	9%	6	8%
never	8	27%	3	27%	8	24%	19	26%
Total	30	100%	11	100%	33	100%	74	100%

3 or more times a week	20
once or twice a week	4
less than 1/week, but more than 2/month	2
once or twice a month	1
less than 1/month, but more than 2/year	1

Resulting estimate of trips per person per month	0.53	0.15	0.53	0.49
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Q3a: How do you normally get a taxi within the Brighton and Hove area?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
Telephone a company	10	37%	5	56%	10	37%	25	40%
At a Taxi rank	8	30%	4	44%	8	30%	20	32%
use an app	6	22%	0	0%	6	22%	12	19%
Hail in the street	2	7%	0	0%	2	7%	4	6%
Use a Freephone	1	4%	0	0%	1	4%	2	3%
Other	0	0%	0	0%	0	0%	0	0%
Total	27	100%	9	100%	27	100%	63	100%

Q3b: If you indicated 'Other' to Q3a, please specify?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
HUSBAND DRIVES A TAXI	0	0%	0	0%	1	100%	1	100%
Total	0	0%	0	0%	1	100%	1	100%

Q4. If you book a taxi by phone, please tell us the three companies you phone most?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
STREAMLINE	6	50%	3	60%	10	45%	19	49%
RADIO CABS	2	17%	2	40%	3	14%	7	18%
UBER	2	17%	0	0%	3	14%	5	13%
BRIGHTON AND HOVE	1	8%	0	0%	0	0%	1	3%
CITY CABS	1	8%	0	0%	0	0%	1	3%
404040	0	0%	0	0%	1	5%	1	3%
581 TRAVEL	0	0%	0	0%	1	5%	1	3%
BRIGHTON TAXIS	0	0%	0	0%	1	5%	1	3%
BRIGHTONS	0	0%	0	0%	1	5%	1	3%
SOUTHERN	0	0%	0	0%	1	5%	1	3%
TESCO FREEPHONE	0	0%	0	0%	1	5%	1	3%
Total	12	100%	5	100%	22	100%	39	100%

Q5. How often do you use a hackney carriage within the Brighton and Hove area?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
3 OR MORE TIMES A WEEK	0	0%	0	0%	0	0%	0	0%
ONCE OR TWICE A WEEK	3	17%	1	14%	3	17%	7	16%
LESS THAN 1/WEEK, BUT MORE THAN 2/MONTH	4	22%	0	0%	4	22%	8	19%
ONCE OR TWICE A MONTH	5	28%	2	29%	5	28%	12	28%
LESS THAN 1/MONTH, BUT MORE THAN 2/YEAR	1	6%	1	14%	1	6%	3	7%
ONCE OR TWICE A YEAR	1	6%	2	29%	1	6%	4	9%
HACKNEY CARRIAGE	4	22%	1	14%	4	22%	9	21%
IN THIS AREA	0	0%	0	0%	0	0%	0	0%
Total	18	100%	7	100%	18	100%	43	100%

3 OR MORE TIMES A WEEK	20
ONCE OR TWICE A WEEK	4
LESS THAN 1/WEEK, BUT MORE THAN 2/MONTH	2
ONCE OR TWICE A MONTH	1
LESS THAN 1/MONTH, BUT MORE THAN 2/YEAR	1

licensed vehicles	0.53	0.15	0.53	0.49
hackney carriage	0.17	0.13	0.17	0.16
Proportion of total lv trips by hcv	32%	87%	32%	34%

Q6a. Please tell us the ranks you are aware in the Brighton and Hove area, and for each if you use them?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
BRIGHTON STATION	6	19%	7	64%	1	8%	14	25%
TRAIN STATION	1	3%	0	0%	0	0%	1	2%
CHURCHILL SQUARE	6	19%	0	0%	0	0%	6	11%
QUEENS SQUARE	2	6%	0	0%	0	0%	2	4%
CLOCK TOWER	1	3%	0	0%	0	0%	1	2%
GEORGE STREET HOVE	0	0%	0	0%	5	38%	5	9%
NORTH STREET	1	3%	1	9%	2	15%	4	7%
EAST STREET	3	10%	0	0%	0	0%	3	5%
HOVE STATION	1	3%	0	0%	2	15%	3	5%
BRIGHTON PIER	1	3%	0	0%	1	8%	2	4%
LONDON ROAD	2	6%	0	0%	0	0%	2	4%
WEST STREET	1	3%	0	0%	1	8%	2	4%
PRISM	1	3%	0	0%	0	0%	1	2%
HOSPITAL	1	3%	0	0%	0	0%	1	2%
PALMEIRA SQAURE	1	3%	0	0%	0	0%	1	2%
SEAFRONT	1	3%	0	0%	0	0%	1	2%
SHOPPING CENTRE	1	3%	0	0%	0	0%	1	2%
NORTH SQAURE	1	3%	0	0%	0	0%	1	2%
OLD TOWN HALL	0	0%	1	9%	0	0%	1	2%
PIZZA HUT	0	0%	1	9%	0	0%	1	2%
WESTERN ROAD	0	0%	1	9%	0	0%	1	2%
TOWN CENTRE	0	0%	0	0%	1	8%	1	2%
Total	31	100%	11	100%	13	100%	55	100%

Q6b. If you are aware of a rank in the Brighton and Hove area, please tell us if you use it?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
Use	20	63%	6	46%	20	63%	46	60%
Don't Use	12	38%	7	54%	12	38%	31	40%
Total	32	100%	13	100%	32	100%	77	100%

Q7. Is there any location in the Brighton and Hove area where you would like to see a rank, and if it was there and vehicles were available, would you use it?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
BRIGHTON PIER	1	20%	0	0%	0	0%	1	33%
CONCORDE	1	20%	0	0%	0	0%	1	33%
LEWIS ROAD	1	20%	0	0%	0	0%	1	33%
LONDON ROAD	1	20%	0	0%	0	0%	1	33%
SEVEN DIALS	1	20%	0	0%	0	0%	1	33%
Total	5	100%	0	0%	0	0%	3	100%

There

Q8a. Have you had any problems with the hackney carriage service in the of Brighton and Hove area?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
VEHICLE CLEANLINESS	0	0%	0	0%	0	0%	0	0%
VEHICLE CONDITION	0	0%	0	0%	0	0%	0	0%
DRIVER HELPFULNESS	1	25%	0	0%	0	0%	1	25%
DRIVER STANDARD OF DRESS	0	0%	0	0%	0	0%	0	0%
DRIVER STANDARD OF HYGIENE	0	0%	0	0%	0	0%	0	0%
DRIVER PROFFESIONALISM	0	0%	0	0%	0	0%	0	0%
DRIVER COMMUNICATION	1	25%	0	0%	0	0%	1	25%
DRIVER KNOWLEDGE OF AREA	0	0%	0	0%	0	0%	0	0%
OTHER	2	50%	0	0%	0	0%	2	50%
Total	4	100%	0	0%	0	0%	4	100%

Q8b. If you indicated 'Other' to Q8a, please specify?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
AGGRESSIVE RACIST DRIVER	1	50%	0	0%	0	#DIV/0!	1	50%
EXPENSIVE	1	50%	0	0%	0	#DIV/0!	1	50%
Total	2	100%	0	0%	0	#DIV/0!	2	100%

Q9a. What would encourage you to use taxis or use them more often in the Brighton and Hove area?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
Better Vehicles	1	6%	0	0%	0	0%	1	4%
More Hackney Carriages I could phone for...	6	38%	0	0%	0	0%	6	24%
Better Drivers	4	25%	0	0%	0	0%	4	16%
at a Rank	0	0%	1	50%	0	0%	1	4%
Other	5	31%	1	50%	7	100%	13	52%
Total	16	100%	2	100%	7	100%	25	100%

Q9b. If you indicated 'Other' to Q9a, please specify?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
CHEAPER FARES	3	60%	1	100%	6	86%	10	77%
AN APP	1	20%	0	0%	0	0%	1	8%
RANK LOCATION	1	20%	0	0%	0	0%	1	8%
LARGER TAXI	0	0%	0	0%	1	14%	1	8%
Total	5	100%	1	100%	7	100%	13	100%

Q10a. Do you consider you, or anyone you know, to have a disability that means you need an adapted vehicle?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
No	13	87%	7	100%	5	83%	25	89%
Yes. I need a wheelchair accessible vehicle	1	7%	0	0%	1	17%	2	7%
Yes. Someone I know need a (WAV)	0	0%	0	0%	0	0%	0	0%
Yes. I need an adapted vehicle, but not a not a (WAV)	0	0%	0	0%	0	0%	0	0%
not a (WAV)	1	7%	0	0%	0	0%	1	4%
Other	0	0%	0	0%	0	0%	0	0%
Total	15	100%	7	100%	6	100%	28	100%

Q11a. Have you ever given up on waiting for a hackney carriage at a rank in the Brighton and Hove	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
YES	5	31%	0	0%	2	29%	7	23%
NO	11	69%	7	100%	5	71%	23	77%
Total	16	100%	7	100%	7	100%	30	100%

Q11b. If you have given up waiting for a taxi in the Brighton and Hove area, please state where?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
HOSPITAL	1	20%	0	0%	0	0%	1	14%
WEST STREET	1	20%	0	0%	0	0%	1	14%
NORTH ROAD	1	20%	0	0%	0	0%	1	14%
PRESTON PARK	1	20%	0	0%	0	0%	1	14%
SEVEN DIALS	1	20%	0	0%	0	0%	1	14%
BRIGHTON PIER	0	0%	0	0%	1	50%	1	14%
TOWN CENTRE	0	0%	0	0%	1	50%	1	14%
Total	5	100%	0	0%	2	100%	7	100%

Q12a. Have you ever given up on waiting for a hackney carriage trying to hail in the street, in the Brighton and Hove area?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
YES	2	13%	0	0%	1	14%	3	10%
NO	13	87%	7	100%	6	86%	26	90%
Total	15	100%	7	100%	7	100%	29	100%

Q12b. If you have given up trying to hail a taxi in the Brighton and Hove area, please state where?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
EAST STREET	1	50%	0	0%	0	0%	1	33%
WEST STREET	1	50%	0	0%	0	0%	1	33%
CHURCHILL SQAURE	0	0%	0	0%	1	100%	1	33%
Total	2	100%	0	0%	1	100%	3	100%

Q13. If you arrived at a rank and there were saloon and WAV available, which would you choose?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
THE FIRST ONE AVAILABLE	12	75%	6	86%	4	57%	22	73%
SALOON STYLE	3	19%	1	14%	1	14%	5	17%
WHEELCHAIR ACCESIBLE	1	6%	0	0%	2	29%	3	10%
Total	16	100%	7	100%	7	100%	30	100%

Q14. If you chose a vehicle type in Q13 for a specific reason, please tell us why?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
BECAUSE I NEED A WAV	0	0%	0	0%	1	33%	1	14%
NEED FOR MY SON	1	33%	0	0%	0	0%	1	14%
WAV ARE HIGH AND DANGEROUS	1	33%	0	0%	0	0%	1	14%
LEAVE WAVS FOR THOSE THAT NEED	1	33%	1	100%	1	33%	3	43%
TRAVEL WITH DOG	0	0%	0	0%	1	33%	1	14%
Total	3	100%	1	100%	3	100%	7	100%

and Hove area by hackney carriage, what sort of vehicle was it?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
SALOON	13	81%	5	71%	5	71%	23	77%
WAV	1	6%	1	14%	2	29%	4	13%
DON'T KNOW	2	13%	1	14%	0	0%	3	10%
OTHER	0	0%	0	0%	0	0%	0	0%
Total	16	100%	7	100%	7	100%	30	100%

Q16a. Do you think there are enough WAV hackney carriages or other adapted vehicles in Brighton and Hove?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
YES	9	64%	6	100%	4	57%	19	70%
NO, NOT ENOUGH AT RANKS	3	21%	0	0%	0	0%	3	11%
NO, NOT ENOUGH I CAN GET BY PHONE	0	0%	0	0%	0	0%	0	0%
NO, NOT ENOUGH THAT SUIT MY REQUIREMENTS	1	7%	0	0%	0	0%	1	4%
ANY OTHER COMMENT ABOUT ACCESSIBILITY.	1	7%	0	0%	3	43%	4	15%
Total	14	100%	6	100%	7	100%	27	100%

Q16b. If you have a comment about accessibility, please record it here?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
LACK OF	1	100%	0	0%	0	0%	1	25%
DON'T KNOW	0	0%	0	0%	3	100%	3	75%
Total	1	100%	0	0%	3	100%	4	100%

Q17. Are there enough hackney carriages in Brighton and Hove?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
Yes	13	81%	7	100%	7	100%	27	90%
No	3	19%	0	0%	0	0%	3	10%
Total	16	100%	7	100%	7	100%	30	100%

Q18. Do you have regular access to a car?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
YES	73	50%	23	46%	43	49%	139	49%
NO	74	50%	27	54%	44	51%	145	51%
Total	147	100%	50	100%	87	100%	284	100%

Q19. Do you live in the area?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
YES	107	72%	18	36%	91	91%	216	72%
NO	42	28%	32	64%	9	9%	83	28%
Total	149	100%	50	100%	100	100%	299	100%

Q6a. If you indicated that you do not live in the area, please provide your postcode?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total	
BN9	3	8%	1	3%	1	8%	5	7%
BN10	1	3%	2	6%	1	8%	4	5%
BN23	0	0%	2	6%	1	8%	3	4%
LONDON	1	3%	2	6%	0	0%	3	4%
OVERSEAS	2	6%	0	0%	0	0%	2	3%
BN7	2	6%	0	0%	0	0%	2	3%
BN13	0	0%	1	3%	1	8%	2	3%
BN18	1	3%	1	3%	0	0%	2	3%
RH16	0	0%	2	6%	0	0%	2	3%
TN2	2	6%	0	0%	0	0%	2	3%
BN14	1	3%	0	0%	0	0%	1	1%
BN15	1	3%	0	0%	0	0%	1	1%
BN21	1	3%	0	0%	0	0%	1	1%
BN27	1	3%	0	0%	0	0%	1	1%
BN8	1	3%	0	0%	0	0%	1	1%
CR0	1	3%	0	0%	0	0%	1	1%
CR3	1	3%	0	0%	0	0%	1	1%
CT16	1	3%	0	0%	0	0%	1	1%
CV32	1	3%	0	0%	0	0%	1	1%
HAILSHAM	1	3%	0	0%	0	0%	1	1%
PN	1	3%	0	0%	0	0%	1	1%
PO31	1	3%	0	0%	0	0%	1	1%
PO4	1	3%	0	0%	0	0%	1	1%
RH13	1	3%	0	0%	0	0%	1	1%
RH15	1	3%	0	0%	0	0%	1	1%
RH6	1	3%	0	0%	0	0%	1	1%

RH7	1	3%	0	0%	0	0%	1	1%
SO17	1	3%	0	0%	0	0%	1	1%
SO22	1	3%	0	0%	0	0%	1	1%
SE1	1	3%	0	0%	0	0%	1	1%
SHOREDITCH HIGH STREET	1	3%	0	0%	0	0%	1	1%
SW4	1	3%	0	0%	0	0%	1	1%
TN21	1	3%	0	0%	0	0%	1	1%
TN22	1	3%	0	0%	0	0%	1	1%
TN40	1	3%	0	0%	0	0%	1	1%
TW1	1	3%	0	0%	0	0%	1	1%
ZAMBIA	1	3%	0	0%	0	0%	1	1%
BN6	0	0%	1	3%	0	0%	1	1%
BT7	0	0%	1	3%	0	0%	1	1%
CARDIFF	0	0%	1	3%	0	0%	1	1%
E12	0	0%	1	3%	0	0%	1	1%
E13	0	0%	1	3%	0	0%	1	1%
ESSEX	0	0%	1	3%	0	0%	1	1%
FRANCE	0	0%	1	3%	0	0%	1	1%
HA9	0	0%	1	3%	0	0%	1	1%
HD8	0	0%	1	3%	0	0%	1	1%
LE4	0	0%	1	3%	0	0%	1	1%
LE9	0	0%	1	3%	0	0%	1	1%
NG7	0	0%	1	3%	0	0%	1	1%
NR19	0	0%	1	3%	0	0%	1	1%
OX11	0	0%	1	3%	0	0%	1	1%
PO21	0	0%	1	3%	0	0%	1	1%
SA5	0	0%	1	3%	0	0%	1	1%
SM1	0	0%	1	3%	0	0%	1	1%
SWEDEN	0	0%	1	3%	0	0%	1	1%
TN11	0	0%	1	3%	0	0%	1	1%
TN38	0	0%	1	3%	0	0%	1	1%
WS12	0	0%	1	3%	0	0%	1	1%
DA15	0	0%	0	0%	1	8%	1	1%

PO8	0	0%	0	0%	1	8%	1	1%
SW6	0	0%	0	0%	1	8%	1	1%
WORTHING	0	0%	0	0%	1	8%	1	1%
Total	36	100%	31	100%	7	54%	74	100%

Q20. Gender?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total		Census
MALE	65	43%	27	54%	60	61%	152	51%	51%
FEMALE	85	57%	23	46%	39	39%	147	49%	49%
Total	150	100%	50	100%	99	100%	299	100%	

Q21. Which age bracket do you fall into?	CHURCHILL CENTRE		LONDON ROAD		GEORGE STREET		Total		Census
Under 30	107	48%	18	23%	8	8%	133	33%	30%
31 - 55	116	52%	59	77%	50	50%	225	56%	42%
Over 55	0	0%	0	0%	42	42%	42	11%	27%
Total	223	100%	77	100%	100	100%	400	100%	

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 16

Brighton & Hove City Council

Subject:	Hackney Carriage and Private Hire, Drivers, Vehicles and Operators Blue Book Review – 5th Edition		
Date of Meeting:	29 November 2018		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 29-6659
	E-mail:	martin.seymour@brighton-hove.gcsx.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 5th 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.
- 3.3 All changes previously agreed by Members since November 2015 are now included in the new version of the Blue Book. Updated guidance on determining the suitability of applicants and licensees has been incorporated into the book following suggested guidance issued by the Institute of licensing (see Appendix 2). The Institute hope that the guidance will be adopted by all Local Authorities so that a level playing field regarding applicant suitability is in force across the country. The majority of these amendments are in Section 9 (see Appendix 3) which is the Guidelines on Convictions but they are also incorporated into the various licence conditions. There are some changes in the operators section (see Appendix 4). The requirement for additional door alarms has been removed as warning lights or buzzers are incorporated at manufacture.
- 3.4 It had been planned to include amendments to CCTV requirements following intervention from the ICO and the Council becoming Data Controller but it has become clear that further consultation and clarification from the ICO would be necessary before implementation. Therefore a further report on CCTV will come to Committee at a later date.
- 3.5 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.
- 3.6 It is best practice to review any policies adopted by the council every three years. The handbook should therefore be reviewed in 2021.
- 3.7 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 and available on the Councils website.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

None

5. COMMUNITY ENGAGEMENT & CONSULTATION

Finance, Legal Services, Taxi Forum. The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum where there were objections to some changes to CCTV conditions so these changes have been delayed for further consultation.

6. CONCLUSION

That members consider the recommendations.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications

The costs associated with revising the Blue Book have been met from within existing revenue budgets.

Finance Officer Consulted: Michael Bentley

Date: 15/10/18

7.2 Legal Implications

There are no direct legal implications other than those set out in the body of the report.

Lawyer: Rebecca Sidell

Date: 23/10/18

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.



**BLUE HANDBOOK FOR HACKNEY CARRIAGE AND
PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS
5th Edition**

DRAFT

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 29 November 2018.

Date of next complete review November 2021.

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, HM Revenue and Customs, UK Visas and Immigration, Department for Works and Pensions (DWP). These may include other government departments and other local authorities. Driver, Vehicle and Operator registers will be made public and appear on the Council's website. 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.

The Council may vary any or all of the conditions herein contained at any time

Part A

1. Introduction

Brighton & Hove City Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the boundaries of the borough of Brighton & Hove and recognises the important role that Hackney Carriages and Private Hire Vehicles and their driver's play in enabling people to travel around the borough whilst, playing a visible role in portraying the image of Brighton & Hove City Council to all.

Customers rightly expect that in using Hackney Carriages and Private Hire's they will be transported safely. In addition, it is in everyone's interest to ensure that customer experiences are positive. This will help to ensure that the industry and the local economy thrive.

This document contains the policy and related procedures that will guide the work of the licensing authority (the Council) in the way in which it carries out its functions. This document sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the council will have regard to this policy document. However each application or enforcement action will be considered on its own merits.

The Council will formally review the policy statement at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

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.

2. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, ("the 1976 Act") places on Brighton & Hove City Council (the "Council") as the Licensing Authority (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriages and private hire vehicles.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

This policy document applies to:

- Hackney Carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public
- Private hire vehicles: licensed as a taxi to carry no more than 8 passengers but must be booked in advance by customers through an operator and may not ply for hire in the street.
- Private hire operators

In undertaking its licensing function, the Council will have particular regard for:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976

- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Immigration Act 2016

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council will also follow the principles laid out in the statutory Regulator's Code and any recommendations from the Better Regulation Delivery Office.

3. Licensing objectives

The Council will adopt and carry out its Hackney Carriage and private hire licensing functions with a view to promoting the following licensing objectives.

- The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public.
- The safety and health of the public and drivers.
- Vehicle safety, comfort and access.
- Encouraging environmental sustainability.

In promoting these licensing objectives, the council will expect to see licence holders and applicants continuously demonstrate that they can meet or exceed specifications set by the council in the four licensing objectives and will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of these objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the objectives.

3.1 The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public

We cannot escape the consequences of child sexual exploitation. There have been too many cases of this having happened involving a small minority of drivers for it to be anything other than a primary responsibility of the licencing authority.

Whether it is a standalone issue or as here under the wider protection of children and prevention of crime, the duty to protect children from child sexual exploitation is undeniable and of paramount consideration.

What this will mean in a practical sense is that where there is even a suggestion of this happening, it will be treated as major investigation on behalf of the licencing authority. This may mean that enforcement action is taken, even where the evidence has not been tested in any other arena and provided it comes above more than mere rumour or innuendo, will in most cases lead to prevention of the licenced person from driving.

We recognise that the majority of drivers and operators will be equally alarmed that this has happened within their profession and we welcome their co-operation. Contact details and reporting processes have been circulated and we would ask that all drivers and operators report their concerns in the knowledge that even one piece of information may well be the key to preventing or ceasing abuse of children. The duty does not end with children but applies with equal significance to vulnerable adults.

The duty does not end with children but applies with equal significance to vulnerable adults. The duty extends beyond sexual exploitation to any area where the well-being of any person at risk of exploitation.

The following are vitally important functions of the authority:

- The prevention of crime and disorder.
- Safeguarding of children.
- Safeguarding of vulnerable adults.
- Protection of the Public.

The last covers a wide range of duties, from vehicle safety to safe driving. Protection of the public must be taken in its widest context and so issues such as domestic violence and other inter family abuse such as forced marriages are factors which are being considered as part of this duty. These problems while seemingly not of relevance to a fee paying public, does demonstrate on the part of the perpetrator an inability to control behaviour appropriately. For instance violence whether it is directed against an adult or child it is a demonstrable loss of control. Where children and vulnerable adults are concerned it is clearly a safeguarding issue.

Other issues of relevance:

- Operating rules, conditions and disciplinary procedures.
- Vetting, qualification, training and monitoring licences.

This is of particular importance. This will include consideration of a range of factors, such as cautions, convictions, other Court orders made to control behaviour and even where appropriate looking at somebodies social media profile. We will also make checks with colleagues in other local authority teams notably both child and adult social services.

- Omitting to work with the Police and the licencing authority.
- Being involved in behaviour that the average person would consider to be inappropriate or of significant concern whether this has resulted in a criminal investigation/conviction, or not

The correct test as set out in the legislation is whether the driver is a fit and proper person. An alternate view could be as follows:

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

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

These tests provide the outline for the matters to be taken into account when deciding upon the suitability of a driver. Where it comes to the question of child sexual exploitation, then due to the damage caused the balance will always be in favour of child (and vulnerable adult) protection and every decision will be made with the safety of the vulnerable foremost in the decision makers mind. While every case will be decided on its own merits, the normal practice will be to be protective of people potentially at risk

3.2 The safety and health of the public and drivers

This builds upon the factors above, but widens it out to include other issues of concern to the public.

- While the main role of the authority is to keep the public safe, we are also concerned about ensuring drivers are as safe as possible.
- Driver training qualification and performance will all be looked at and reviewed. We welcome an ongoing dialogue with the drivers and operators to provide the best service we can – we have some of the most highly qualified drivers in the Country which we are proud of and hope to build on.
- Knowledge of the city.
- Health and fitness to fulfil the role, including regular health checks.
- Working between the groups on crime prevention measures.
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities.
- Vehicle specifications
- Safety at ranks for drivers and passengers.

3.3 Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.
- Provision for the aged and the young.
- Provision of safe and comfortable premises for customers to use.

3.4 Encouraging environmental sustainability

Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not permitting licences for vehicles that are unable to comply with Euro Technology requirements

4. Code of Conduct When Working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.
- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures, however they should check that they are in place.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, you should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Always ask if a vulnerable passenger needs help, do not assume.
- Drivers should remain professional at all times and should not:
- Touch a vulnerable person inappropriately

- Make offensive or inappropriate comments (such as the use of swearing or sexualized or discriminatory language)
- Behave in a way that may make a vulnerable passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a vulnerable person
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
- If you are concerned about the safety, welfare or behaviour of a vulnerable person, you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)
- If you are concerned about someone else's conduct, you should report your concerns to the council's licensing department (01273 296655), The Police (101) or Crimestoppers (0800555111).

5. Hackney Carriage and Private Hire - Safeguarding children and vulnerable people, Human Trafficking and Child Sexual Exploitation, Forced Marriage and any other Statutory Defined Exploitation

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of the whole community but especially taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help. Here is some information devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited.

There is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this information will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

5.1 What You Can Do To Help Those At Risk

By following the Good Safeguarding Practices below according to your business model you will be helping to protect those who are vulnerable and / or being exploited. We need your help to bring to justice those who commit these crimes.

- If your business allows check at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.
- Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one.
- If necessary let your head office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and especially if there was any incident or anything significant occurred on the journey.

- If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff; family; security staff if a club/pub)
- Record incidents and refusals
- Be professional - try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or Facebook address.
- Avoid swearing or aggressive behaviour.
- Do not touch passengers.
- Never accept an offer of a sexual favour instead of payment.
- Make sure you are wearing ID, (your licence badge)
- Sit lone passengers in the back unless otherwise agreed.
- Ask or explain to passengers if using a centralised locking system - don't just put it on without an explanation.
- DON'T ASSUME that your passenger wants help - ALWAYS ASK
- Never follow a passenger into the house unless previously agreed / properly authorised
- ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.
- NEVER set off with a passenger without a specific destination address unless you are sure it is safe to do so
- NEVER double up passengers on a journey – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger
- If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.
- As with all professions if you are concerned about another driver's conduct report your concerns to your manager or the relevant agency.
- Organisations should have a lead member of staff for safeguarding; this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.
- ALWAYS KEEP A RECORD either in your cab or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.

5.2 Who To Contact

If you think you may be carrying someone who is vulnerable and/or the victim of exploitation: Phone 999: Call the Police emergency number if you believe that the risk is imminent/assault happened or likely to. Alternatively record and report concerns to the Police by calling 101, Crimestoppers 0800555111 or Anonymously Online

<https://crimestoppers-uk.org/give-information/give-information-online/>

The safeguarding services if a child or vulnerable adult is involved: Brighton & Hove Front Door for Families (FDFF) on 01273 290400 or FrontDoorForFamilies@brighton-hove.gcsx.gov.uk.

Part B

6. 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 your 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.
- 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 Disclosure and Barring Service 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 whom 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. The above list is for advice only and is not exhaustive.

7. 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.

7.1 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.

7.2 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.

8. 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.

8.1 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 pickup/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.

8.2 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.

8.3 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.

8.4 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.

8.5 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

8.6 Maintenance of Vehicles

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

Guidelines relating to the relevance of Cautions and Convictions, 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.

9. 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. 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, 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.

As the idea of what "Fit and Proper" means, has not been defined, it will be at the officers discretion to decide what is relevant information and from what source it can be obtained. To be relevant, evidence has to be more than mere suspicion or innuendo. Public protection is an important function and as such all information that may mean that a person or persons are not fit and proper will be considered.

Where there are aggravating factors such as hate crime (homophobia; racism and so on), this will be taken into account.

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 Behaviour Orders, Criminal Behaviour Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgments 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.

- 9.1 Each case will be decided on its own merits with the overriding objective of protecting the public.
- 9.2 A person with a conviction for a crime need not be permanently barred from obtaining a licence but should be expected to remain free of any conviction (depending on the nature of the offence) for, at least 3 to 5 years (however more serious offences may attract a longer period and in certain circumstances a lifetime applicability) before any application is entertained. The nature of the offence will be taken in to account when deciding on the period that they should be offence free. However, persons with convictions for sexual offences of any nature or any offences related to children, vulnerable adults 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 or revoked / not renewed pending the outcome of the hearing of the case at court. If they are subsequently convicted or acquitted then the matter will be reviewed again.
- 9.3 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.
- 9.4 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, (e.g. Death by Dangerous Driving, Drug Offences, Offences of Violence, Sexual offences, Dishonesty Offences or offences of an habitual nature).

- 9.5 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 will be taken into account as for convictions.
- 9.6 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.
- 9.7 Civil actions including injunctions are also a relevant factor where it has an impact on the driver being fit and proper. These will be assessed on a case by case basis.

9.8 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.

Fresh case law and or government guidance may change this position.

9.9 Immediate Suspension

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.

9.10 Police Bail

Hackney Carriage and Private Hire Drivers are expected to adhere to this Policy's definition of "fit & proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on Bail, or released while still being investigated depending upon the nature of the alleged offence, can expect action to be a possibility. Where Suspension is put in place, normally the suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts. The matter will then be reviewed.

9.11 Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect action by the Director of Neighbourhoods, Communities & Housing. Any suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts

9.12 Offences or allegations involving an element of sexual exploitation or violence against children or vulnerable persons

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted. The authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list, other than in exceptional circumstances. As these offences cover a wide range of behaviour each case will be considered on its own merit. A very serious view will be taken of rape sexual assaults, gross indecency particularly where a child or adult with vulnerability is concerned. Allegations of sexual assault where drugs are a feature will also be considered to be very serious.

Except in the most exceptional of cases an existing driver or applicant that is arrested, charged, cautioned or convicted of offences that fall into the above category will have his/her licence suspended, revoked, refused or not renewed .

The same applies in relation to offences or behaviour involved violence against children or vulnerable adults including to any modern slavery/trafficking/forced marriage

9.13 Child Protection and Safeguarding

When considering whether an applicant or driver is fit and proper and moreover what risk the driver presents to others, the authority will take into consideration all information that represents more than gossip, speculation and unsubstantiated innuendo. In addition to sexual activity and violence as referred to above this section relates to general issues around the protection of the vulnerable and could for instance include forced marriage; radicalisation and genital mutilation by way of example (and in so far as they are not already actionable).

In making its enquiries the authority will rely on all relevant information provided by other departments of the council. This will include information provided by Children's Services and the Local Authority Designated Officer (LADO) responsible for child protection. Issues raised on any DBS check will also be pursued and may be relevant evidence even where no charge follows. Enquiries will be made of the Police.

Where the authority has reasonable cause for concern based on the information from these and other relevant sources it will act appropriately to safeguard children and young persons. As the prevention of child sexual abuse is such an important issue, there will be a presumption in favour of protective measures.

This also extends to other vulnerable groups who may be at risk of exploitation. This may mean that based on this information an applicant will not be allowed to proceed or an existing driver may have his/her licence suspended, revoked or not renewed. The nature of the issue will determine time periods for refusal or revocation.

9.14 Exploitation

Where an applicant or existing licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not other than in exceptional circumstances be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

9.15 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 the offence involves supply or production of drugs then the minimum period will normally be 7 years, but will be determined by the facts of the situation assessed on its own merit.

Where there is evidence of prohibited drug use or abuse of prescription medication the applicant or existing driver will be expected to produce medical evidence to confirm to the Council's satisfaction that they are free of substances (in so far as it impacts on their driving). The Council reserves the option to seek its own expert medical evidence where necessary.

9.16 Possession of a Weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted normally until at least 7 years have elapsed since the completion of any sentence imposed. As this offence covers a wide range of behaviour each case will be judged on its own merit. A serious view will be taken where a weapon was used or displayed in a public area.

9.17 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 / battery (and any other offence that has an element of violence such as affray or false imprisonment).

Dependent on the nature of the assault a minimum of three years free of cautions / convictions should be shown before an application is entertained. Any grant of a licence will be entirely at the authorities' discretion and will depend on the facts known to the authority 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.

The authority reserves the right in relation to violence but also other offences as appropriate to seek / obtain independent medical advice about the individual concerned.

Crimes Resulting in Death

Where an applicant or existing licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not normally be licensed.

9.18 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.

9.19 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 minimum 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.

The amount of time will be at the discretion of the authority and will be determined by the facts of the situation

9.20 Discrimination / Hate Offences / Harassment

An applicant or existing licence holder with a caution / conviction relating to discrimination or harassing another person or legal findings against them in the civil courts for a discrimination or harassment related matters should be required to show a period of a minimum of three years free of any caution / convictions / incidents before any application is entertained.

Where no court finding has been made but the authority has formed the view based on evidence that there are issues of concern then they may act.

9.21 Minor Road Traffic Offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

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, or where appropriate may have their licence suspended or revoked for up to a time depending on the circumstances.

9.22 Major Road Traffic Offences

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.

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 but may lead to suspension or revocation of their licence. 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 seven years has elapsed from conviction.

9.23 Driving under the influence of Drink or Drugs/Using a hand held telephone or hand a held device

9.23.1 with a motor vehicle.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

9.23.2 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

9.23.3 Drunk or Evidence of Drug use but not in a motor vehicle.

An isolated caution / conviction for drunkenness or possession of drugs need not debar an applicant from obtaining a licence, however, a number of cautions / convictions for these matters could indicate dependency necessitating a medical examination, (see 9.14. above) and possibly suspension or revocation.

9.23.4 Where an applicant has a conviction for using a hand-held mobile telephone device whilst driving, a licence will not be granted until at least 1 year has elapsed for a first offence and 5 years for subsequent offences since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

9.24 Insurance Offences

9.24.1 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.

9.24.2 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.

9.24.3 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.

9.25 Hackney Carriage and Private Hire Offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use set out elsewhere), a licence will not normally be granted until at least a minimum of 3 years have elapsed since the completion of any sentence imposed

9.26 Vehicle use Offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not normally be granted until at least a minimum of 3 years have elapsed since the completion of any sentence imposed.

9.27 Breaches of Licensing Conditions (not connected with Hackney / Private Hire), Public Spaces Protection Orders, Community Protection Notice, 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. Anyone found to be in breach of a Public Spaces Protection Order (PSPO) or issued a Community Protection Notice (CPN) will be considered liable for investigation. These matters 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 or suspension of any hackney carriage or private hire licence held with the Council.

9.28 Criminal Behaviour Orders/Injunctions or any other order under the Anti-Social Behaviour and Policing Act 2014

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.

If the driver is already licenced then in all likelihood this will lead to suspension or revocation.

9.29 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.

If the driver is already licenced then in all likelihood this will lead to suspension or revocation.

9.30 Other Issues

If any applicant or Licensed driver is or has been under investigation in the Court process relating to, or subject to any order finding that is a breach of any statutory provision or is subject to an adverse court finding which is or maybe of concern to the licensing authority then the authority can refuse, suspend or revoke a licence, for that period it deems appropriate subject to proper reasons being given.

9.31 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.

9.32 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.

10. Procedure for Licensing Hackney Carriage and Private Hire Drivers.

This section relates specifically to driver conduct.

10.1 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. It is the responsibility of the applicant to satisfy the council that they are fit and proper and that they are safe and suitable to hold a licence.

The Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. In assessing whether someone may be fit and proper the Council will take into account the following, and not exclusively, information in to account:

- Criminality
- Good Character
- Human Rights
- Period of holding a driver's licence
- Number of endorsed driving penalty points
- Immigration Status/Right to work
- Medical fitness
- Enhanced driver Competence
- Geographical knowledge of the area
- Professional Qualifications (Btec/NVQ)

- Disability Awareness
- Spoken English

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

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.

10.2 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 lists of issues of concern are:

- Criminal convictions.
- Cautions.
- Community resolutions.
- Anti-social behaviour orders
- Criminal Behavioural Orders
- County Court injunctions relating to behaviour.
- High Court injunctions relating to behaviour.
- Fixed penalty notices (personally or business related).
- Motoring convictions and penalty notices.

In all cases the licence holder 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.

10.3 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.

10.4 Making Application

All applicants are advised to avoid errors in completing an application and they collect the papers required from the Hackney Carriage Office, at that time they will receive an explanation as to the requirements. Prior to issue of a licence the following will be required;

- 10.5** All applicants must be able to provide a full 5 years UK address history for their Disclosure and Barring Check (DBS). Applicants who have resided outside the UK for all or any part of the 5 years, prior to the date of application will be required to submit official written confirmation of their good character, from the country(s) in which they have lived during that 5 year period. This information will need to be translated into English if necessary and verified as accurate and reliable by the country(s) corresponding Embassy(s) in London.
- 10.6** The Disclosure and Barring Service (DBS) form must be completed by the driver and checked and forwarded to the DBS by the Hackney Carriage Office. The driver will also have to provide a copy of the DBS Certificate to the Authorised Officer on issue. In the case of renewals the Certificate must be less than 3 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.
- 10.7** Applicants will be required to produce a birth certificate and/or passport to show date and place of birth.
- 10.8** The applicant will be required to produce a full current driving licence 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 3 years. This includes the 2 year probationary DVLA driving licence period and 1 year post probationary period. EEA licences must be converted to a UK DVLA licence before application is made.
- 10.9** The application form must be completed and all questions must be fully answered.
- 10.10** 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.
- 10.11** A colour passport photograph 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.
- 10.12** 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 any time 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 'Assessing fitness to drive: a guide for medical professionals' and each case will be considered on its own merits.

- 10.13** All applicants must in addition to the above have passed one of the following; the BTEC Level 2 Certificate in Introduction to the Role of the professional Taxis and Private Hire Driver (QCF), the Catstream Drivers Disability Awareness Training, DHAATC training, Uber Access Training or equivalent award (as decided by the Director). Applicants must also have undertaken and have passed the Equivalent (as decided by the Director) of the Driver & Vehicle Standards Agency (DVSA) Taxi Drivers Test or Private Hire Drivers Test and produce the necessary pass certificate before undertaking a knowledge test.
- 10.14** Drivers of wheelchair accessible vehicles must have passed one of the following assessments. The Driver & Vehicle Standards Agency (DVSA) taxis wheelchair exercise test, the Catstream Drivers Disability Awareness Training, DHAATC training, Uber Access Training, or equivalent (as decided by the Director) before renewal of licence every 3 years.
- 10.15** All applicants must have an adequate knowledge of both written and spoken English and must show proof of competency by means of relevant certificate/qualification at the time of submitting application. For example GCSE English Examination Certificate or an ESOL English: Entry Level 2 Certificate from a Language School etc. If officers are not satisfied with the standard of spoken or written English language a further certificate of competency from an English Language School before an application will be considered further.
- 10.16** No licence will be issued unless all information has been supplied. An invoice will be raised on application and must be paid within 30 days or any licence issued will be revoked.
- 10.17** 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.
- 10.18** 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.
- 10.19** The Council reserves the right to require any applicant to provide additional Disclosure and Barring Service forms or full medical forms if they have reason to believe that changes have taken place since the original application.
- 10.20** 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.
- 10.21** In all cases sight of a passport will be required or other document as required by the Council.

11. Renewal of Drivers Licence

- 11.1** Drivers will be required to comply with those conditions for initial application above in section 10.5 to 10.21 with the exceptions of 10.10, 10.13, 10.15, 10.17, and 10.18.

- 11.2** 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 Council's Medical Consultant.
- 11.3** Hackney Carriage and Private Hire Driver Licences are normally issued for a period of three years from the date of commencement of the licence. Licences may be granted for a lesser period depending on the circumstances of an individual case.
- 11.4** 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: Drivers are advised to apply for their DBS at least 8 weeks in advance of expiry.
- 11.5** Any application to renew a licence that is not made on or before the 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.
- 11.6** Any incomplete applications will be returned to the applicant and not be processed until application is resubmitted with all details and papers as required.
- 11.7** Where an invoice for a licence is not paid the original application will be deemed invalid and the licence revoked.
- 11.8** 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 or equivalent (as decided by the Director) from the Driver & Vehicle Standards Agency (DVSA) 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.
- 11.9** The Director of Neighbourhoods, Communities and Housing has delegated powers to require at their discretion any Brighton & Hove licensed hackney carriage or private hire driver to undertake and pass the Driver & Vehicle Standards Agency (DVSA) hackney carriage / private hire driver taxi test or equivalent (as decided by the Director) within a period of one year or shorter period from being required to do so.
- 11.10** 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.

12. 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.

13. 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.

14. Inspection of driver records

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

15. 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.

16. 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 Part B will have to be satisfied.

17. 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 or an alleged 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.

Part C

Hackney Carriage & Private Hire Driver (Dual) Licence Conditions

Normally drivers that apply for a Hackney Carriage licence will be issued with a Hackney Carriage & Private Hire Driver Dual Licence. If an applicant wishes not to have a dual licence they must put in writing their reasons for not wishing to have a dual licence. Consideration will then be made by the Director of Neighbourhoods, Communities & Housing as to whether a hackney carriage driver licence or a dual licence will be issued.

18. Interpretation.

18.1 In these conditions;

18.1.1 “the Council” means Brighton & Hove City Council.

18.1.2 “the Director of Neighbourhoods, Communities & Housing” means the Director of Neighbourhoods, Communities & Housing (for the time being) of the Council.

18.1.3 “the driver” means the person to whom the Council has granted the Hackney Carriage & Private Hire Drivers Licence to which these conditions are attached.

18.1.4 “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Out of Hours Regulatory Services Officer and Regulatory Services Manager, for the time being of the Council.

18.2 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.

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

19. Conduct.

19.1 The driver must behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:

- Cause any person to take offence at their actions

- Cause any person to believe their actions to be inappropriate
- Cause any person to fear for their physical safety
- Cause any person to doubt their integrity
- Bring in to disrepute the integrity of the Council for having issued a licence to such person

19.2 The Driver when asked by a passenger, indicate the route they are going to take and if requested take the preferred route of the customer.

19.3 The driver must take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

19.4 The driver shall not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.

19.5 The driver must not drive when their ability to do so is impaired by having worked excessive hours. Drivers must comply with any requirement stipulated by the Council in relation to the monitoring of working hours.

Note: Particular care must be taken with unaccompanied children and vulnerable adults (See Part A above). Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.

In addition the driver of a hackney carriage vehicle must comply with the byelaws set by the Council. See Byelaws Section 182.

20. 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.

21. Appearance of Driver & Vehicle

- 21.1** The driver shall be clean and tidy in appearance.
- 21.2** The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public.
- 21.3** Suitable footwear.
- 21.4** The driver shall at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition at all times.
- 21.5** The driver of a licensed vehicle shall ensure that none of the markings/signs/notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

22. Deposit of Licence

If a driver is permitted or employed to drive a hackney carriage or private hire vehicle of which the operator is someone other than himself, he shall, before commencing to drive that vehicle, deposit his Hackney Carriage & Private Hire Driver's 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.

23. Badges.

- 23.1** The driver shall at all times when operating, wear the badge provided by the Council in such position as to be plainly visible and if requested produce it on demand to the passenger or Authorised Officer.

- 23.2** The Driver shall not lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Hackney Carriage Vehicle Proprietor/Private Hire Operator.
- 23.3** The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known.
- 23.4** 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.

24. 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.

25. 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.

26. Luggage

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

- 26.1** convey a reasonable quantity of luggage.
- 26.2** afford reasonable assistance in loading and unloading.
- 26.3** 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.
- 26.4** afford reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

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

- 27.1** The proprietor or driver of a Hackney Carriage or 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.

- 27.2** The proprietor or driver of a Hackney Carriage or 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;
- 27.2.1** 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.
- 27.2.2** be entitled to receive from any person to whom the property shall be re- delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

28. Touting and Soliciting

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

- 28.1** tout or solicit any person to hire, or be carried for hire in any licensed vehicle.
- 28.2** cause or procure any other person to tout or solicit any person to hire or be carried for hire in any licensed vehicle.
- 28.3** ply for hire, appear to be plying for hire, offer a vehicle for immediate hire in any private hire vehicle
- 28.4** park a private hire vehicle on any hackney carriage stand for any reason during the operational times of such a stand
- 28.5** accept for the immediate hire of a private hire vehicle while the driver or that vehicle is on a road or other public place, except where such offer is first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such communication.

29. Taximeter

- 29.1** The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 29.2** The driver 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.

30. Fare to be Deemed

- 30.1** The driver of hackney carriage must use the shortest route unless directed otherwise and shall not demand from any hirer of the hackney carriage vehicle more than the authorised metered maximum fare.
- 30.2** For journeys ending outside the district of Brighton & Hove the driver may not demand more than the authorised metered maximum fare unless a prior contract is made at the time of hiring.

- 30.3** Where a hirer does not agree to a fare higher than the metered maximum fare for journey ending outside Brighton & Hove the taximeter must be used to calculate the maximum metered fare for the journey.
- 30.4** The driver may take a deposit for the journey but must not hold more than the estimated maximum metered fare. If at the end of the journey the deposit was more than that shown by the meter the excess must be returned to the hirer immediately.
- 30.5** 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.
- 30.6** The driver of a private hire must use 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.

31. Change of Address

The driver must 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.

32. 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.

33. Criminal Cautions/Convictions

In all cases the driver must within 3 days disclose to the Council if arrested, released on Police Bail and the details of any Criminal Convictions, Cautions, Conditional Cautions, Community Resolutions, Anti-Social Behaviour Orders, Criminal Behavioural 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. 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.

34. Operators

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

- 34.1** The licence holder must notify the Council in writing within 7 days of any change of operator through whom he/she works

35. Animals

- 35.1** 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.
- 35.2** 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.
- 35.3** No driver of a hackney carriage or 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.

36. Accidents

The driver must if the vehicle is involved in an accident immediately inform:

- the vehicle proprietor
- the Council in order that the vehicle can be inspected at the earliest opportunity.

37. 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.

38. 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.

39. 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.

40. Appeals

- 40.1** You may appeal against all or any of these conditions.
- 40.2** Any appeal must be made within 21 days of the grant of licence.
- 40.3** Appeals must be made to the Magistrates Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street, Brighton.

- 40.4 Appeals are made by way of section 52 and 77 of the 1976 Act and section 300 of the Public Health Act 1936.

Part D

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.

Normally drivers that apply for a Hackney Carriage licence will be issued with a Hackney Carriage & Private Hire Driver Dual Licence. If an applicant wishes not to have a dual licence they must put in writing stating their reasons for not wishing to have a dual licence. Consideration will then be made by the Director of Public Health as to whether a hackney carriage driver licence will be issued.

41. Interpretation.

See Section 182. Part C. Hackney Carriage Bye Laws.

42. 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 182. Part C. Hackney Carriage Bye Laws.

43. 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 182. Part C. Hackney Carriage Bye Laws.

44. 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 182. Part C. Hackney Carriage Bye Laws.

45. Permitting or employing any other person to drive

See Section 182. Part C. Hackney Carriage Bye Laws.

46. Penalties.

See Section 182. Part C. Hackney Carriage Bye Laws.

Part E

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

47. Interpretation.

47.1 In these conditions;

47.1.1 “the Council” means ‘Brighton & Hove City Council.

47.1.2 “the Director of Neighbourhoods, Communities & Housing” means the Director of Neighbourhoods, Communities & Housing (for the time being) of the Council.

47.1.3 “the driver” means the person to whom the Council has granted the Hackney Carriage & Private Hire Drivers Licence to which these conditions are attached.

47.1.4 “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Out of Hours Regulatory Services Officer, Regulatory Services Manager for the time being of the Council.

47.2 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.

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

48. Conduct

48.1 The driver must behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:

- Cause any person to take offence at their actions
- Cause any person to believe their actions to be inappropriate
- Cause any person to fear for their physical safety
- Cause any person to doubt their integrity
- Bring in to disrepute the integrity of the Council for having issued a licence to such person

48.2 The Driver when asked by a passenger, indicate the route they are going to take and if requested take the preferred route of the customer

48.3 The driver must take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

- 48.4** The driver shall not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.
- 48.5** The driver must not drive when their ability to do so is impaired by having worked excessive hours. Drivers must comply with any requirement stipulated by the Council in relation to the monitoring of working hours.

Note: Particular care must be taken with unaccompanied children and vulnerable adults. See Part A. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.

49. 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.

50. Appearance of Driver & Vehicle

- 50.1** The driver shall be clean and tidy in appearance.
- 50.2** The driver shall at all times be dressed in a manner not to cause embarrassment to members of the public.
- 50.3** Suitable footwear.
- 50.4** The driver shall at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition at all times.
- 50.5** The driver of a licensed vehicle shall ensure that none of the markings/signs/notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

51. Deposit of Licence

If a driver is permitted or employed to drive a hackney carriage or private hire vehicle of which the operator is someone other than himself, he shall, before commencing to drive that vehicle, deposit his Hackney Carriage & Private Hire Driver's or Private Hire Drivers 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.

52. Badges

- 52.1** The driver shall at all times when operating wear the badge provided by the Council in such position as to be plainly visible and if requested produce it on demand to the passenger or Authorised Officer.
- 52.2** The Driver shall not lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
- 52.3** The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known.
- 52.4** 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.

53. 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.

54. 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.

55. Luggage

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

- 55.1** convey a reasonable quantity of luggage.
- 55.2** afford reasonable assistance in loading and unloading.
- 55.3** 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.
- 55.4** afford reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

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

- 56.1** The proprietor or driver of a Hackney Carriage or 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.
- 56.2** 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;
- 56.2.1** report the finding or handing 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.
- 56.2.2** be entitled to receive from any person to whom the property shall be re- delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

57. Touting and Soliciting

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

- 57.1** tout or solicit any person to hire, or be carried for hire in any licensed vehicle.
- 57.2** cause or procure any other person to tout or solicit any person to hire or be carried for hire in any licensed vehicle.
- 57.3** ply for hire, appear to be plying for hire, offer a vehicle for immediate hire
- 57.4** accept for the immediate hire of a private hire vehicle while the driver or that vehicle is on a road or other public place, except where such offer is first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such communication.
- 57.5** park a private hire vehicle on any hackney carriage stand for any reason during the operational times of such a stand

58. Taximeter

- 58.1** If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 58.2** The driver 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.

59 Fare to be Deemed

- 59.1** 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.

59.2 The driver of a private hire must use 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.

60. Change of Address

The driver must 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.

61. 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.

62. Criminal Cautions / Convictions

In all cases the driver must within 3 days disclose to the Council if arrested, released on Police Bail and the details of any Criminal Convictions, Cautions, Conditional Cautions, Community Resolutions, Anti-Social Behaviour Orders, Criminal Behavioural 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. 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.

63. Operators

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

63.1 The licence holder must notify the Council in writing within 7 days of any change of operator through whom he/she works

64 Animals

64.1 Whilst waiting 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.

64.2 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.

64.3 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.

65. Accidents

The driver must if the vehicle is involved in an accident immediately inform:

- the vehicle proprietor
- the Council in order that the vehicle can be inspected at the earliest opportunity.

66. 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.

67. 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.

68. 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.

69. Appeals.

69.1 You may appeal against all or any of these conditions.

69.2 Any appeal must be made within 21 days of the grant of licence.

69.3 Appeals must be made to the Magistrates Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street, Brighton.

69.4 Appeals are made by way of section 52 and 77 of the 1976 Act and section 300 of the Public Health Act 1936.

Part F

Procedure for Licensing a Private Hire Operator

A private hire operator ('an operator') does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the vehicle (except where they are also the licensed driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and must not be improperly or accidentally not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes. Any person with a management and Governance role of an operator is subject to the same duties as a driver in relation to criminal conviction, caution and any other court order

70. General

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

70.2 Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator's 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, smart phone app 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 operator's licence.

70.3 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. An Operator 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 has slurred speech that they are drunk as opposed to having neurological disorder.

- 70.4** To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible.
- 70.5** It is a requirement 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. Failure to do so may result in an Operators Licence being suspended or revoked

71. Advice to Operators

Any operator is subject to the same consideration as a driver in relation to criminal convictions, cautions and other court orders.

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.

Company Register Certificate

Planning Permission

Public Liability Insurance.

Health and Safety Policy.

Health and Safety Notices.

Shops and Factories Offices Notice.

Advice on Lifting Notice.

Fire Evacuation Notice.

Accident Book.

First Aid Kit.

Fire Extinguishers.

Operators Licence.

Adequate Lighting

Booking Records.

Diary of Advanced Bookings Vehicle Licences.

Copy of Vehicle Licences.

List of Vehicles with details.

List of Drivers with details.

Company policy & procedures document in relation to those with a disability

Monitoring records of the use of your service by those with a disability

71.1 The Records of Bookings MUST show;

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

71.2 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.

71.3 The Standards expected 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
Only use the services of drivers and vehicles licensed by Brighton & Hove City Council
Check Private Hire Driver Licences are valid.
Ensure Only Licensed Drivers are used to drive licensed Vehicles
Any staff employed should be trustworthy and honest. A Disclosure & Barring (DBS) check is Recommended
Maintain Driver Standards
Ensure Vehicle Licenses are valid.
Ensure that the vehicle is not used for illegal or illicit purposes
Check Vehicles Clean and Safe.
Ensure Insurance is Valid.

Check Vehicle for Damage.
Ensure Plates Displayed Correctly.
Report Any Driver Offences
Report any Accidents.
Report any Lost Property.
Assist with Police Link calls.
Keep all Records for 6 months.
Give Fixed Price Quote if Requested.
Telephones are in Working Order.
Report any changes of Address.
Report any changes of Director(s).

72. The Operator

- 72.1** The application form must be complete and returned to the Taxi Licensing Office.
- 72.2** Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operator's licence.
- 72.3** 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.
- 72.4** 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;
- 72.4.1** clean, adequately heated, ventilated and lit, both for bookings and waiting,
- 72.4.2** if required waiting area has adequate seating facilities.
- 72.5** The operator premises to be licensed must be situated within the district of Brighton & Hove.
- 72.6** The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.
- 72.7** All operators premises to which the public have access must be covered by public liability insurance to cover all risks.
- 72.8** 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.
- 72.9** 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 Director of Neighbourhoods, Communities and Communities annually. Failure to do so may result in the suspension or revocation of an Operators Licence.
- 72.10** All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or one of the following; the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent (as decided by the Director).

- 72.11** All operators must ensure that all drivers do not work excessive hours and have adequate breaks between shifts
- 72.12** All operators must ensure that all Brighton & Hove Vehicles operated under the licence comply with the current Brighton & Hove CCTV conditions. See sections 192 & 193.
- 72.13** 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.

73. 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 booking 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 unlicensed manner.

Part G

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

74. Interpretation.

74.1 In these conditions;

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

74.1.2 “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.

74.2 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.

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

75. The records to be kept by the Operator

75.1 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.

75.2 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;

75.2.1 the time and date of the booking.

- 75.2.2** the name where possible and pick up point of the hirer.
- 75.2.3** the time and date of pick up and call sign of the vehicle used.
- 75.2.4** how the booking was made (e.g. by telephone, personal call, or via a mobile app).
- 75.2.5** where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking and notes must be included: including the name of the sub-contractor and contact information.
- 75.3** the records of bookings shall be maintained and kept up to date at all times and shall be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers shall be empowered to photograph and/or remove such records howsoever kept from the premises as so required.
- 75.4** 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.
- 75.5** The operator shall keep records of all driver training.
- 75.6** The operator shall keep all records for a period of not less than six months following the date of last entry.

76. 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;

- 76.1** 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.
- 76.2** 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.
- 76.3** ensure that any waiting area provided has adequate seating facilities.
- 76.4** keep a summary of all complaints received regarding service provided or about drivers
- 76.5** Must provide an equal service for differently abled passengers
- 76.6** Any operator operating more than 100 vehicles must ensure that 20% of their fleet is Wheelchair Accessible.
- 76.7** When an automated booking is made under an operators licence, the booking confirmation and receipt provided to a passenger will identify that the driver is licensed by Brighton & Hove City Council or the name of the subcontracted operator.
- 76.8** An operator must provide a phone number for customers to have voice contact during the Operators hours of business and at all times during a journey if passengers want to make a complaint or discuss other matters relating to their booking.

77. 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.

78. Provisions regulating the conduct of the operator.

- 78.1** The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle.
- 78.2** 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.
- 78.3** No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.
- 78.4** 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.
- 78.5** the operator shall not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control
- 78.6** the operator shall not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
- Concealed from public view
 - Defaced
 - Disfigured
- The operator shall also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence
- 78.7** The operator must notify the Council as soon as practicable and in any case within 72 hours of the occurrence thereof, of any accident to any vehicles working for that company, causing damage
- 78.8** The Operator must not use any technology for the purposes of avoiding regulatory or law enforcement activity in connection with its operator licence.

79. Provisions regulating the conduct of the operators drivers

- 79.1** The operator must inform the Council in writing within 7 days the details of any driver removed from the operator's circuit giving the reasons for removing that driver
- 79.2** Operators must report to the Council any allegation or complaint relating to certain serious behaviours, specifically:
- Sexual misconduct
 - Violence
 - Discrimination
 - Wrong driver / vehicle
 - Theft
 - Touting

Upon receiving any allegation or complaint relating to the above serious behaviours the Operator must take all reasonable steps to restrict the driver's access to work within 24 hours

and whilst any investigation is ongoing. All complaints involving these behaviours must be reported by the Operator to the Council within 72 hours of receiving the complaint.

79.3 The operator shall keep records of all driver training.

79.4 The operator must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed one of the following; the Driver & Vehicle Standards Agency (DVSA) taxis wheelchair exercise test, the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent (as decided by the Director) before renewal of licence every 3 years.

79.5 The operator must ensure that all its drivers have undergone disability equality training to help them serve differently abled people or passengers with an access need.

79.6 The operator shall take all necessary measures including those of requested by an Authorised Officer of the Council or Police Officer to prevent vehicles in its employment from parking or congregating in such a manner as to cause a nuisance to any reasonable person

79.7 The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.

79.8 The operator shall bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006

79.9 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company have an up to date Enhanced Disclosure and Barring Service check Certificate.

79.10 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.

79.11 The Operator must ensure that all drivers who carryout work on behalf of the operator do not work excessive hours and have adequate breaks between shifts.

79.12 The Operator shall ensure that all drivers are aware of their obligations under the Equalities Act 2010 which are:-

Section165 – Duty on a driver of a designated wheelchair accessible vehicle to:-

- Carry the passenger whilst 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

Unless a driver has an exemption under Section 166 which states that he/she is unable to assist passengers in wheelchairs on medical grounds or because the drivers physical condition makes it impossible or unreasonably difficult to comply.

Section 168 to 171 (previously Disability Discrimination Act 1995):-

Duty to carry Assistance Dogs unless an exemption is held on medical grounds.

80. 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.

81. 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 fulfil a booking they may only pass these to another licensed operator whose drivers who carry out work on behalf of that operator have an up to date Enhanced Disclosure and Barring Service check Certificate.

82. Deposit of driver and vehicle licences

- 82.1** 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.
- 82.2** 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.
- 82.3** The Operator must ensure that every proprietor of a Private Hire Vehicle operating under the licence is acquainted with, understands and observes the conditions attached to a Private Hire Vehicle Licence.

83. Private Hire Operator Association

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

84. 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.

85. Police Safety Schemes

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

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

85.2 To alert Sussex Police of any criminal activities observed.

85.3 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.

86. Appeals

86.1 The applicant / licence holder may appeal against all or any of these conditions.

86.2 Any appeals must be made within 21 days of the grant of the licence.

86.3 Appeals must be made to the Magistrates Court – contact: the Clerk to the Justices, The Law Courts, Edward Street Brighton

Part H

87. Advice to vehicle owners

Any proprietor is subject to the same consideration as a driver in relation to criminal convictions, cautions and other court orders.

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.
Ensure the vehicle is not used for illegal or illicit purposes.

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.

87.1 Types of Vehicle

All vehicles licensed by the council must be of appropriate size and comfort for their use as decided by the Director of Public Health. 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 may be allowed more seats than a vehicle that has fixed seating. The above is not an exhaustive 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 view the public register on the Council's website for vehicles are already licensed by the council.

88. 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 I

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 Council's 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; Licences will only be issued where the vehicle will predominately be working in the district of Brighton & Hove.

89. Suitability

- 89.1** 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) or conform to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles),
- 89.2** In the case of a first application for a hackney carriage vehicle licence diesel vehicles must be Euro 6 emission standard and petrol vehicles Euro 4 emission standard and must not normally exceed 10 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.
- 89.3** Vehicles must not be left hand drive.
- 89.4** 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
- 89.5** The age of the vehicle in section 89.2 to be taken from the vehicle registration document.

- 89.6** The maximum age limits described in section 89.2 may only be exceeded if the vehicle presented is in exceptional condition (as confirmed by the inspecting garage). A vehicle will be considered to be in “exceptional condition” if all of the following apply:
- The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
 - The vehicle passes the Council’s vehicle inspection.
 - The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
 - The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
 - The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
 - The boot or luggage compartment is in good condition, clean and undamaged.
 - Passenger areas are free from damp or any other odours that may cause passenger discomfort.
 - The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
 - The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer’s service specification.
- 89.7** 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 Director of Neighbourhoods, Communities & Housing and conform to the Council’s Accessibility Policy for Hackney Carriage vehicles.
- 89.8** All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 89.9** Vehicles must be of a type approved by the Director of Neighbourhoods, Communities & 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 Director of Neighbourhood, Communities & Housing.
- 89.10** 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.
- 89.11** That in no circumstances will any vehicle be licensed which would require any passenger 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). 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.
- 89.12** A suitable additional step as decided by the Director of Neighbourhoods, Communities & Housing shall be provided at the rear side entrances to the vehicle.

- 89.13** 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.
- 89.14** Vehicles are not required to have a spare wheel but if a spare wheel is carried in the vehicle it 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. If an emergency tyre repair kit has been used to temporarily inflate a tyre it must be replaced before carrying passengers.
- 89.15** 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.
- 89.16** Vehicles that are Category S & N insurance “write offs” may be licensed provided that a Vehicle Identity Check (VIC) certificate has been issued for category S and written confirmation from the insurer is provided confirming they are aware that the vehicle is a S or N “write off”

90. 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 for inspection, 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.

91. Final Inspection prior to licensing

The following will be checked prior to licensing;

- 91.1** A satisfactory mechanical inspection form. (Fitness Certificate)
- 91.2** 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).
- 91.3** The registration document. – Registered keeper’s details document.
- 91.4** Certificate of Compliance for all vehicles other than new vehicles with only delivery mileage on the odometer.
- 91.5** All vehicles must have a Council approved calendar controlled meter that is EEC or Transport for London Office type approved and MID (Measuring Instruments

(Taximeters) regulations 2006) compliant. The meter must be fitted in a position as to be readily seen by all passengers and sealed with the current tariff and sealed with the current tariff installed.

- 91.6** A Council approved and valid fire extinguisher
- 91.7** A current tariff card as agreed by the Council fixed in a prominent position where it may be seen by any passenger carried.
- 91.8** In the case of a change of vehicle, the Expiring or Surrendered vehicle licence.
- 91.9** Vehicle presented in full Council livery: - white bodywork, bonnet and boot lid or hatchback or estate rear door painted aquamarine to colour code BS 16 E 53 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 or the name 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.
- 91.10** Council approved roof sign. See Section 112.
- 91.11** CCTV installed to be operated and maintained in accordance with the requirements of the Director of Neighbourhoods, Communities & Housing. See Sections 192 & 193.
- 91.12** Certificate from the CCTV data controller confirming that the CCTV system has been checked and is installed and working correctly

Note: All CCTV data control of licensed Brighton and Hove vehicles will only be permitted by council nominated independent data controllers. All nominated data controllers must show a full and comprehensive knowledge of data retention and security, and correct ICO procedure for dealing with authorisations and handling of requests. They will need to ensure that all authorised requests are dealt with in a timely manner (normally 24 working hours from the request being received), and any supplied CCTV footage is in a free standard format.

92. 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.

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

- 93.1** Vehicles must comply with the requirements of section 91.1 to 91.12 and Section 92 above
- 93.2** The licensing period runs for 1 year from date of commencement or 6 months in the case of vehicles over 10 years from registration.
- 93.3** 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.

93.4 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.

93.5 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.

94. Mechanical Testing

94.1 The Council nominated testing garages will endeavour to test all vehicles within 10 working days of application to them for testing.

94.2 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.

94.3 Any vehicle called for inspection which fails to attend may have its licence suspended immediately and subsequently the licence may be revoked.

94.4 Any vehicle failing to keep an appointment for testing will incur a fee payable to the nominated garage.

95. Vehicle Damage

95.1 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.

95.2 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.

95.3 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.

95.4 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.

95.5 In the case of any dispute as to section 95.4 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.

96. Replacement Vehicles.

Any replacement vehicle must comply with sections 89 to 95 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.

97. 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 Director of Neighbourhoods, Communities & 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.

98. 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.

99. 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.

100. Designated Vehicles.

A list of wheelchair-accessible hackney carriages and private hire vehicles will be maintained in accordance with Sec 167 Equality Act 2010 and can be viewed on the public Register on the Council website

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

Part J

Conditions relating to Hackney Carriage Vehicles.

101. Interpretation.

In these conditions;

- 101.1** “The Council” means Brighton and Hove City Council.
- 101.2** “Director of Neighbourhoods, Communities & Housing” means the Director of Neighbourhoods, Communities & Housing, (for the time being) of the Council.
- 101.3** “Authorised Officer” means the Hackney Carriage Officer, Licensing Enforcement Officer, Out of Hours Regulatory Services Officer, Regulatory Services Manager, (for the time being) of the Council.
- 101.4** “the vehicle” means the vehicle subject to the hackney carriage vehicle licence to which the conditions are attached.
- 101.5** “the proprietor” means the person(s) currently shown on the hackney carriage vehicle licence as the proprietor of the vehicle.
- 101.6** “the driver” means the driver currently of the vehicle.
- 101.7** “mechanical inspection” means the certificate of compliance issued by the Councils nominated garage certifying that the vehicle is mechanically sound.
“any nominated garage” means for the time being the garages approved by the Council for the purpose of undertaking mechanical inspections.
- 101.8** 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.
- 101.10** Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

102. Age of Vehicle

- 102.1** In the case of a first application for a hackney carriage vehicle licence diesel vehicles must be manufactured to Euro 6 emission standard and petrol vehicles manufactured to Euro 4 emission standard and must not normally exceed 10 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.
- 102.2** The Vehicle must not be left-hand drive.
- 102.3** The age of the vehicle in section 102.1 above to be taken from the vehicle registration document.
- 102.4** The maximum age limit described in section 102.1 above, may only be exceeded if the vehicle presented is in exceptional condition, See Section 89.6 above. A vehicle may only exceed the normal age limit for a maximum of 2 years.
- 102.5** All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 102.6** 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.

- 102.7** 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

103. Maintenance and Appearance of Vehicle

- 103.1** The vehicle and its fittings must at all times when it is available for hire or being used as a hackney carriage;

103.1.1 be safe.

103.1.2 be tidy.

103.1.3 be clean.

103.1.4 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.

- 103.2** 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.

- 103.3** The following shall apply as a minimum:

103.3.1 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.

103.3.2 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.

103.3.3 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.

103.3.4 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 may be covered in aqua vinyl (3M Scotchcal Vinyl – 50-795 or KPMF Vinyl – Turquoise K70076)

103.3.5 SEATS- Passenger seats must be of sufficient size and comfort for the intended number of passengers as decided by the Director of Neighbourhoods, Communities & 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.

- 103.3.6** CARPETS / FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
- 103.3.7** HEADLINING and OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 103.3.8** WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.
- 103.3.9** 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.
- 103.3.10** INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.
- 103.3.11** WHEELCHAIRS & SWIVEL SEATS. must comply with Condition 116 below.
- 103.3.12** 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 Director of Neighbourhoods, Communities & Housing.
- 103.3.13** Nets must be provided for use where luggage is not separated from the passengers.

103.4 Exterior Markings

- 103.4.1** 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.
- 103.4.2** 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.
- 103.4.3** 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.
- 103.3.4** Each hackney carriage shall display Cut Engine Cut Pollution signs on the rear of the vehicle in accordance with the design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied direct to the rear of the vehicle as decided by the authorised officer.

104. 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.

105. 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.

106. 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.

107. 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.

108. Inspection of Vehicle.

- 108.1** 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.
- 108.2** 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.
- 108.3** 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 Director of Neighbourhoods, Communities and Housing until such time the Director of Neighbourhoods, Communities and Housing is satisfied that the vehicle is being maintained to a satisfactory standard.
- 108.4** The vehicle must be mechanically inspected by one of the Councils nominated testing garages prior to a licence being issued.
- 108.5** The vehicle must be inspected and a mechanical inspection certificate issued within one month of application for a vehicle licence or for relicensing of a vehicle licence.
- 108.6** Subparagraphs 108.1, 108.4 and 108.5 will not apply in the case of a new vehicle with only delivery mileage on the odometer.

109. Documents

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

- 109.1** The insurance certificate or insurance cover note or copy “for the purpose of plying for hire”.

- 109.2** 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.
- 109.3** 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.
- 109.4** 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.
- 109.5** A copy of the Byelaws with respect to Hackney Carriages in Brighton & Hove.

110. Signs & Notices etc

- 110.1** No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or any devices whatsoever other than those mentioned in paragraph 110.2 below shall be displayed on, in or from the vehicle.
- 110.2** Signs permitted are;
- 110.2.1** any registration number.
 - 110.2.2** any sign required by statute or subordinate legislation.
 - 110.2.3** any sign on a taximeter indicating that the vehicle is for hire.
 - 110.2.4** 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 Director of Neighbourhoods, Communities & Housing. (This is in addition to the sign required in 109.3 above).
 - 110.2.5** the roof sign referred to in paragraph 112 below.
 - 110.2.6** any sign indicating membership of a national motoring organisation.
 - 110.2.7** any sign requesting passengers not to smoke or eat or drink in the vehicle.
 - 110.2.8** the tariff and licence number as in 109.2 and 109.3 above.
 - 110.2.9** 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.
 - 110.2.10** 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.
 - 110.2.11** any sign approved by the Director of Neighbourhoods, Communities & Housing to indicate the vehicle is a taxi bus
 - 110.2.12** any sign indicating use of security camera in a vehicle.
 - 110.2.13** 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.

- 110.2.14** any other sign within the vehicle must be approved by an authorised officer and must meet the conditions as set out above.
- 110.2.15** approved council livery.
- 110.2.16** Subject to approval from the Director of Neighbourhoods, Communities & 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.
- 110.2.17** Advertising is permitted on the rear wing of the vehicles (as decided by the Director of Neighbourhoods, Communities & 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.
- 110.2.18** 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.

111. Licence Plate

The design of the rear exterior plate shall be that approved by the Director of Neighbourhoods, Communities & 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).

112. Roof Signs

- 112.1** Each hackney carriage vehicle, other than a purpose built or wheelchair accessible vehicle shall have installed on the roof and display a toblerone 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 or name 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 Director of Neighbourhoods, Communities & Housing showing to the front and red with black lettering as agreed by the Director of Neighbourhoods, Communities & Housing on the rear. The sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.
- 112.2** Subparagraph 112.1 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.

113. 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.

114. 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 Behavioural 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.

115. 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.

116. Wheelchair Accessible Vehicles

116.1 For any vehicle that is adapted or designed to carry at least one wheelchair passenger whilst remaining seated in the wheelchair:

- 116.1.1** there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn.
- 116.1.2** there must be sufficient space for a wheelchair to travel facing forward or rearward.
- 116.1.3** there must be a separate means of securing the chair and the wheelchair occupant.
- 116.1.4** there must be serviceable wheelchair ramps and clamps carried in the vehicle.
- 116.1.5** be of a size and comfort as decided by the Director of Neighbourhoods, Communities and Housing to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.

- 116.2** A vehicle designed or adapted to carry at least one wheelchair passenger whilst remaining seated in the wheelchair may carry a maximum of two signs indicating that it is capable of carrying wheelchair passengers.
- 116.3** Any swivel seat fitted must meet the requirements of the above Act.
- 116.4** 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.
- 116.5** The proprietor must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed the equivalent (as decided by the Director) of the Driver & Vehicle Standards Agency (DVSA) taxis wheelchair exercise test or one of the following; the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent (as decided by the Director) before renewal of licence every 3 years.

117. 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.

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

119. 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 noncompliance, (i.e. signs, meters, suspensions or revocation).

120. Mechanical Breakdown

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

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

120.2 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.

121. 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.

122. Transfer of Interest.

122.1 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.

122.2 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 89.3 above at the next renewal date following transfer.

123. 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.

124. 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 required by the operator.

125. Taximeters

All taximeters fitted to Brighton & Hove licensed hackney carriages shall be EEC or Transport for London type approved, capable of being calendar controlled and 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 tyres 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.

126. 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.

127. CCTV

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 (Section 192 & 193). 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:

- 127.1** the CCTV equipment shall be of a type approved by the Director of Neighbourhoods, Communities and Housing any images recorded must be retained for at least 28 days.
- 127.2** the CCTV must be operating at all times in the vehicle when trading and carrying passengers for hire and reward
- 127.3** the image quality must be of good quality in which events can easily be viewed and people identified.
- 127.4** the equipment shall be installed and operated and maintained in a manner to the satisfaction of the Director of Neighbourhoods, Communities and Housing.
- 127.5** all CCTV media and its data must be secured, password encrypted and not accessible to any individual, other than the data controller or their appointed administrator.
- 127.6** 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
- 127.7** no recording or other material created from the system shall be used or distributed for any purpose other than allowed by 127.6 above or kept more than 31 days if not required under 127.6 above.

127.8 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.

127.9 notices indicating that a video/recording system is in operation and giving details of the data controller must be clearly displayed in the vehicle.

Note: Any CCTV system must be operating when there are passengers being carried for hire and reward in the vehicle. Audio recordings are acceptable provided they comply with the Home Office Surveillance Code of Practice and the Information Commissioners Code of Practice.

128. Safety Screens

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

128.1 approval in writing must be obtained from the Council before a safety screen is fitted into the licensed vehicle

128.2 for any safety screen installed in the licensed vehicle the Director of Neighbourhoods, Communities & Housing 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.

128.3 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.

129. 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.

130. Inspection

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

131. Ranks

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

132. 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.

133. 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.

134. Appeals

134.1 Licence holders may appeal against all or any of these conditions attached to a licence granted.

134.2 Any appeal must be made within 21 days of the grant of a licence.

134.3 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.

134.4 Applicants may appeal against the refusal to grant a licence.

134.5 Any appeal must be made within 21 days of the refusal of the licence. **134.6** Appeals must be made to the Crown Court.

Part K

Procedure for the Licensing of a Private Hire Vehicle Initial Inspection

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

135. Suitability

135.1 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.

135.2 In the case of a first application for a Private Hire vehicle licence diesel vehicles must be Euro 6 emission standard and petrol vehicles Euro 4 emission standard and must not normally exceed 10 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.

135.3 Vehicles must not be left hand drive.

135.4 The age of the vehicle to be taken from the vehicle registration document.

135.5 The maximum age limits described in section 135.2 and 135.4 may only be exceeded if the vehicle presented is in exceptional condition (as confirmed by the inspecting garage). A vehicle will be considered to be in “exceptional condition” if all of the following apply:

- The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
- The vehicle passes the Council’s vehicle inspection.
- The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
- The boot or luggage compartment is in good condition, clean and undamaged.
- Passenger areas are free from damp or any other odours that may cause passenger discomfort.
- The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
- The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer’s service specification.

135.6 The vehicle must be any single manufactures colour other than white. White to be decided by the Director of Neighbourhoods, Communities & Housing.

135.7 Vehicles must be of a type approved by the Director of Neighbourhoods, Communities & 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 Director of Neighbourhoods, Communities & Housing.

135.8 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

135.9 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.

135.10 In the case of minibus or conversions there must be a minimum of two rear side doors, one opening to the near 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.

135.11 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.

- 135.12** 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).
- 135.13** 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.
- 135.14** An audio warning for vehicles with sliding doors shall be operational when the ignition is turned on when the sliding doors are open.
- 135.15** 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.
- 135.16** Suitable additional step(s) as agreed by the Director of Neighbourhoods, Communities & Housing shall be fitted at the rear side entrances of people carrier type vehicles.
- 135.17** All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 135.18** 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.
- 135.19** The vehicle must not be of such design and appearance as to lead any person to believe that it is a hackney carriage.
- 135.20** Luggage space must reasonable and sufficient for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating.
- 135.21** 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.
- 135.22** 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.
- 135.23** Vehicles that are Category S & N insurance “write offs” may be licensed provided that a Vehicle Identity Check (VIC) certificate has been issued for category S and written confirmation from the insurer is provided confirming they are aware that the vehicle is a S or N “write off”.

136. Standards, Maintenance and Appearance of Vehicle

- 136.1** The vehicle and its fittings must be at all times when it is available for hire or being used as a private hire;
- 136.1.1** be safe.
- 136.1.2** be tidy.
- 136.1.3** be clean.

- 136.1.4** 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.
- 136.2** 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.
- 136.3** The vehicle must be kept in good condition to include the following;
- 136.3.1** 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.
- 136.3.2** DENTS. Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/length, should be failed.
- 136.3.3** 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.
- 136.3.4** 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.
- 136.3.5** SEATS. Passenger seats must be of sufficient size and comfort for the intended number of passengers as decided by the Director of Neighbourhoods, Communities & 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 Director of Neighbourhoods, Communities & Housing to accommodate a user in a standard wheelchair, at least one carer and have sufficient luggage space.
- 136.3.6** CARPETS / FLOOR COVERING. All carpets and floor coverings shall be complete and free from cuts, tears or serious staining.
- 136.3.7** HEADLINING and OTHER TRIM. All interior trim including headlining shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 136.3.8** WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent window without difficulty.
- 136.3.9** 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.
- 136.3.10** INTERIOR. The interior must be kept clean, tidy and free of any litter or other rubbish.
- 136.3.11** 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 Director of Neighbourhoods, Communities & Housing.

136.3.12 Nets will be provided for luggage not separated from the passengers.

137. Inspection of Vehicle

- 137.1** 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.
- 137.2** The vehicle must be mechanically inspected by the Councils nominated testing centre prior to a licence being issued. For nominated garages see Section 90 of this handbook.
- 137.3** 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.
- 137.4** Subparagraph 137.1, 137.2 and 137.3 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.

138. Final Inspection Prior to Licensing

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

- 138.1** The Mechanical Inspection (Certificate of Fitness).
- 138.2** 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.
- 138.3** That the vehicle has a Council approved valid fire extinguisher, and that all windows are clear of stickers with approved exceptions.
- 138.4** If a meter is fitted it must be EEC or Transport for London type approved and capable of being calendar controlled. 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 by the meter programmer/installer.
- 138.5** Certificate of Compliance for all vehicles. New vehicles with only delivery mileage on odometer are exempt.
- 138.6** Door signs, door numbers and cut engine signage are correctly applied as decided by the Director of Neighbourhoods, Communities & Housing if required.
- 138.7** Vehicle registration document or proof of ownership i.e. bill of sale.
- 138.8** CCTV installed to be operated and maintained in accordance with the requirements of the Director of Neighbourhoods, Communities & Housing. Section 192 & 193
- 138.9** Certificate from the CCTV data controller confirming that the CCTV system has been checked and is installed and working correctly

Note: All CCTV data control of licensed Brighton and Hove vehicles will only be permitted by council nominated independent data controllers. All nominated data controllers must show a full and comprehensive knowledge of data retention and security, and correct ICO procedure for dealing with authorisations and handling of requests. They will need to ensure that all

authorised requests are dealt with in a timely manner (normally 24 working hours from the request being received), and any supplied CCTV footage is in a free standard format.

139. 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.

140. Re-Licensing

140.1 All licences issued run from one year from the date of issue.

140.2 All vehicles presented for grant of a new licence must have a certificate of mechanical inspection dated within one month prior to application.

140.3 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.

140.4 The vehicle will be re-inspected in accordance with Section 137 above

140.5 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.

140.6 The Council's nominated testing garage will endeavour to test all vehicles within 15 working days of application to them for testing.

140.7 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.

140.8 Any vehicle called for inspection, which fails to attend, may have its licence suspended immediately and subsequently the licence may be revoked.

140.9 Any vehicle failing to keep an appointment for testing will incur a fee payable to the nominated garage.

141. Vehicle Damage or Accident Involving a Licensed Vehicle

141.1 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.

141.2 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.

- 141.3** 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.
- 141.4** 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.
- 141.5** In the case of any dispute as to section 141.4 above, the vehicle will be taken to the Councils nominated testing garage (See Section 90) 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.

142. Replacement Vehicles

Any replacement vehicle must comply with sections 135 to 141 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.

143. Operator

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

144. 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.

145. Exception from Display of Plate

Exemptions from displaying external identification plates (vehicle licence plates) may be granted in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed. Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose. See Section 196.

We will only exercise these discretionary powers in rare cases, where we are satisfied that there is a genuine operational business need and business requirement and that the safety of the public will not be compromised as a result.

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 driver's seat in such a manner so as to be clearly seen when the driver's door is open. All other signs may in these circumstances be removed and the driver's badge must be carried in the vehicle and produced on demand.

146. 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.

Part L

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

147. Interpretation

- 147.1** In these conditions;
- 147.2** "The Council" means 'Brighton & Hove City Council.'
- 147.3** "the Director of Neighbourhoods, Communities & Housing" means the Director of Neighbourhoods, Communities & Housing, for the time being of the Council.
- 147.4** "Authorised Officer" means the Hackney Carriage Officer, Licensing Enforcement Officer, Out of Hours Regulatory Services Officer, Regulatory Services Manager for the time being of the Council.
- 147.5** "the vehicle" means the vehicle subject of the private hire vehicle licence to which the conditions are attached.
- 147.6** "the proprietor" means the person for the time being shown on the private hire vehicle licence as the proprietor of the vehicle.
- 147.7** "the driver" means the driver for the time being of the vehicle.
- 147.8** "mechanical inspection" means the certificate issued by the Council's nominated garage certifying that the vehicle is mechanically sound and fit for use as a licensed vehicle.
- 147.9** "nominated garage" means for the time being the garage approved by the Council for the purpose of undertaking mechanical inspections.

- 147.10** 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.
- 147.11** Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

148. 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.

149. Age of Vehicle.

- 149.1** In the case of a first application for a private hire vehicle licence diesel vehicles must be manufactured to Euro 6 emission standard and petrol vehicles manufactured to Euro 4 emission standard and must not normally exceed 10 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
- 149.2** The age of the vehicle is to be taken from the vehicle registration document.
- 149.3** The maximum age limit described in section 149.1 above, may only be exceeded if the vehicle presented is in exceptional condition as confirmed by the inspecting garage. See Section 135. A vehicle may only exceed the normal age limit for a maximum of 2 years.
- 149.4** 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.
- 149.5** 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.

150. Maintenance and Appearance of Vehicle

- 150.1** The vehicle and its fittings must at all times when it is available for hire or being used as a private hire vehicle;
- 150.1.1** be safe.
- 150.1.2** be tidy.
- 150.1.3** be clean.
- 150.1.4** 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.

- 150.2** 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.
- 150.3** The vehicle must be of any single manufacturers colour other than white. (Interpretation of 'white' to be decided by the Director of Neighbourhoods, Communities & Housing).
- 150.4** All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.
- 150.5** 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 or; company name of the operator (as approved by the Director). The rear passenger doors will have signs showing the vehicle plate number. The rear of the vehicle will have a cut engine cut pollution sign. 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 same single telephone number or; company name/logo matching the door sign on the vehicle on the front and back of the roof sign.
- 150.6** The vehicle must be kept in exceptional condition to include the following;
- 150.6.1** 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.
- 150.6.2** 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.
- 150.6.3** 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.
- 150.6.4** 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.
- 150.6.5** 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 of Neighbourhoods, Communities & Housing 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.
- 150.6.6** CARPETS / FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or serious staining.
- 150.6.7** HEADLINING and OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.
- 150.6.8** WINDOW OPERATION. All passengers, excepting those occupying a middle seat, must be able to open adjacent windows without difficulty.

- 150.6.9 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.
- 150.6.10 INTERIOR.** The interior must be kept clean, tidy and free of any litter or other rubbish.

151. Inspection of Vehicle

- 151.1** 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.
- 151.2** 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.
- 151.3** Any vehicle that has excessive or dangerous faults as decided by the Director of Neighbourhoods, Communities & Housing recorded on a fitness test may be issued with a six month licence until such time the Director of Neighbourhoods, Communities & Housing is satisfied that the vehicle is being maintained to a satisfactory standard.
- 151.4** 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 90).
- 151.5** The vehicle must be inspected and a mechanical inspection certificate issued within one month of application for the vehicle licence or for the relicensing of a vehicle.
- 151.6** Subparagraphs 151.4 and 151.5 will not apply in the case of a new vehicle with only delivery mileage on the odometer.
- 151.7** The vehicle may be called for inspection at any time by the Authorised Officer to ensure compliance. Failure to attend and show any documentation requested may lead to suspension or revocation of licence.

152. 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 Director of Neighbourhoods, Communities & Housing.

153. Documents

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

- 153.1** A copy of the insurance certificate or current insurance cover note.
- 153.2** 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.

153.3 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.

154. Signs and Notices

154.1 No signs notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices whatsoever (collectively referred to as “signs”), other than those mentioned in paragraph 154.2, 154.7, 154.8 and 154.10 below shall be displayed on, in or from the vehicle.

154.2 Signs permitted are;

154.2.1 any registration numbers.

154.2.2 any sign required by statute or subordinate legislation.

154.2.3 any sign on a taximeter indicating the vehicle has been hired.

154.2.4 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 rear side at bumper height. (This is in addition to the sign required in 153 above inside the vehicle).

154.2.5 the roof sign referred to in Section 156 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 or; company name/logo of the operator or; generic private hire door sign (as approved by the Director). 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.

154.2.6 Cut engine cut pollution sign on the rear of the vehicle.

154.2.7 any sign indicating membership of a national motoring organisation.

154.2.8 any sign requesting passengers not to smoke in the vehicle.

154.2.9 the tariff and licence number as in 154.2 and 154.3 above.

154.2.10 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.

154.2.11 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.

154.2.12 any sign approved by the council to indicate that a security camera system is operated within the vehicle.

154.2.13 Any sign approved by the Director of Neighbourhoods, Communities & Housing to indicate the vehicle is a taxi bus

154.2.14 Any other sign on or in the vehicle must be approved by the Authorised Officer.

154.3 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.

- 154.4** 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.
- 154.5** All badges, plates or signs provided by the Council remain the property of the Council at all times.
- 154.6** Only licensed vehicles shall be permitted to carry advertising in relation to Hackney Carriage or Private Hire Operators.
- 154.7** 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.
- 154.8** Advertising is permitted on the rear wing of the vehicles (as decided by the Director of Neighbourhoods, Communities & 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.
- 154.9** 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.
- 154.10** 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
- 154.11** Livery as permitted by Brighton & Hove Council.

155. 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.

156. 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 or lettering display the telephone number or; company name of the company operator sign to the front and to the rear. Such signs must be gutter or magnetically mounted to the rear 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.

157. 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.

158. 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.

159. 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.

160. 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.

161. Wheelchair Accessible Vehicles

161.1 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.

161.2 The proprietor must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed one of the following; Driver & Vehicle Standards Agency (DVSA) taxis wheelchair exercise test or one of the following; the Catstream Drivers Disability Awareness Training, DHAATC Training, Transport for All

Training or the equivalent training (as decided by the Director) before renewal of licence every 3 years.

162. 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).

163. Interim Inspection

A vehicle may be called for inspection, including documents, at any time. 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).

164. Maintenance of Vehicle and Safety Equipment

The proprietor of the vehicle shall;

- 164.1** provide sufficient means by which any person in the vehicle may communicate with the driver.
- 164.2** cause the roof or covering to be kept watertight.
- 164.3** provide adequate windows and the means of opening and closing them.
- 164.4** cause the seats to be properly cushioned and covered.
- 164.5** cause the floor to be provided with a proper carpet, mat or other suitable covering.
- 164.6** cause the fittings and furniture generally to be kept in a clean and well maintained condition.
- 164.7** provide means for securing luggage.
- 164.8** 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.
- 164.9** 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.
- 164.10** 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.

- 164.11** 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.
- 164.12** all vehicles with rear seat belt anchorage points must be fitted with rear seat belts.
- 164.13** no private hire vehicle may be white or appear to be white in colour.
- 164.14** 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.
- 164.15** 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.

165. Mechanical Breakdown

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

- 165.1** The driver shall be entitled to demand the fare for the distance already travelled.
- 165.2** 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.

166. 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.

167. Hackney Carriage Ranks

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

168. Private Hire Ranking

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.

169. Immediate Hire

Any private hire vehicle must not be used for immediate hire while that vehicle is on a road or other public place, except where such offer is first communicated by the operator to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle and the driver has no knowledge of such offer prior to such communication.

170. 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 noncompliance.

171. Vehicle Checks.

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

172. 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.

173. 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. Sections 192 & 193. 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:

- 173.1** the CCTV equipment shall be of a type approved by the Director of Neighbourhoods, Communities & Housing and any images recorded must be retained for at least 28 days.
- 173.2** the image quality must be of good quality in which events can easily be viewed and people identified
- 173.3** the equipment shall be installed and operated and maintained in a manner to the satisfaction of the Director of Neighbourhoods, Communities & Housing.
- 173.4** 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

- 173.5** no recording or other material created from the system shall be used or distributed for any purpose other than allowed by (173.4) above or kept more than 31 days if not required under 173.4 above.
- 173.6** 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.
- 173.7** notices indicating that a video / recording system is in operation and giving details of the data controller shall be clearly displayed in the vehicle.

Note: Any CCTV system must be in operation when there are passengers being carried for hire and reward in the vehicle. Significant negative weight will be given if no recording is available on investigation and no proper explanation is given for failing to provide recordings on request.

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

174. Safety Screens

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

- 174.1** Approval in writing must be obtained from the Council before a safety screen is fitted into a licensed vehicle.
- 174.2** For any safety screen installed in the licensed vehicle the Director of Neighbourhoods, Communities & 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
- 174.3** 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.

175. Accidents

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

176. 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.

177. 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.

178. 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 and must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant, tested and sealed by the meter programmer / installer with the Operators Tariff. 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 recalibrated, tested and sealed by the meter programmer / installer (approved by the Director) with the Operators Tariff.

179. 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.

180. 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.

181. Appeals

181.1 You may appeal against all or any of the conditions attached to a licence granted to you.

181.2 You may appeal against the refusal of a licence to you.

181.3 Any appeal must be made within 21 days of grant of licence or the refusal of such a licence.

181.4 Appeals must be made to the Magistrates' Court - you should contact the Clerk to the Justices, The Law Courts, Edward Street, Brighton.

Part M

182. 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

182.I. 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.

182.2.

- (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.

182.3. 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.

182.4. 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.

182.5. 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.

182.6. 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.

182.7. 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.

182.8. 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.

182.9. 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.

182.10. 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.

182.11. 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.

182.12. 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.

182.13. 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.

182.14. 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.

182.15.

- (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.

182.16. 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.

182.17. 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

182.18. 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.

Part N

183. Procedure for fares increases

- 183.1** Applications for hackney carriage fare increases will be made through the Taxi Forum in accordance with the agreed formula approved by the Council.
- 183.2** 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.
- 183.3** 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
- 183.4** Any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force.
- 183.5** No proprietor may charge any increase until the due date and the taximeter has been re-calibrated to the new fare rate.
- 183.6** All taximeters must be checked and sealed by the authorized officer prior to being used for hire and reward in any vehicle
- 183.7** 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.

184. 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.

185. Hackney Carriage Ranks

See the latest list as approved by the Council.

186. Horsedrawn Vehicles

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

187. Rickshaws or other vehicles

The council has a policy of not issuing licences to rickshaws or novelty 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.

188. 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.**

189. 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.

190. 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.

191. 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.

192. 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 optional 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.

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.

193. CCTV Data Controller/Administrator Conditions

All CCTV data control of licensed Brighton and Hove vehicles will only be permitted by council nominated independent data controllers or their appointed administrators. All approved data controllers must show a full and comprehensive knowledge of data retention and security, and correct ICO procedure for dealing with authorisations and handling of requests. They will need to ensure that all authorised requests are dealt with in a timely manner (normally 24 working hours from the request being received), and any supplied CCTV footage is in a free standard format.

All nominated data controllers will need to ensure, by way of a yearly test, that the following conditions are met on behalf of the Hackney Carriage Office.

- 193.1** Ensure all CCTV media and its data is secured, password encrypted and not accessible to any individual, other than the data controller or their appointed administrator.
- 193.2** Test all equipment for full functionality, calibrate metadata and cameras annually. Provide a test certificate, confirming the CCTV in the licensed vehicle meets the council's standards, prior to the vehicle being relicensed.
- 193.3** Ensure every CCTV is hard fixed to the vehicle (no windscreen suckers), and permanently wired to the vehicles ignition with no on/off switch fitted.
- 193.4** Ensure the media is capable of retaining a minimum of 28 days recording, in line with the vehicles working hours and number of cameras.
- 193.5** Ensure that all persons (including the driver) are clearly identifiable in all light conditions, and the CCTV footage is recording real time events.
- 193.6** Conditions 193.1 to 193.5 are vehicle license conditions that are to be checked by the data controller, or their data administrators, once a year prior to the council re-licensing the vehicle.
- 193.7** Any nominated controller failing to meet or enforce these conditions will have their approval status removed.

194. 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.

- 194.1** 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 complies with Road Vehicles (Construction and Use) Regulations 1986 and does not interfere with any existing airbags or effect passenger safety.
- 194.2** Occasional seat advertisements must be encapsulated in clear non-flammable plastic and should be of a quality not easily defaced, soiled or detached.
- 194.3** The advertising agency name should be carried on the advertisement.
- 194.4** Advertising may be displayed on the exterior rear wing of hackney carriage and private hire vehicles (as decided by the Director of Public Health) 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.
- 194.5** The advertisement(s) in each vehicle should not advertise more than one company, product, service, or location although a sponsor's details are permissible.

194.6 Advertisements will not be approved if, in the Director of Public Health 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.

Note: 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 Director of Neighbourhoods, Communities & 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 Neighbourhoods, Communities & 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 Director of Neighbourhoods, Communities & Housing will provide written reasons for the decision.

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

195.1 Under the terms of the Council's Constitution the Head of Safer Communities 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.

- 195.2** 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.
- 195.3** 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 Customer Feedback Team and whenever a request to “renew” an expired licence is refused, the person making the request will be advised of this process.
- 195.4** 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 Customer complaint and determined by the Regulatory Services Manager.
- 195.5** A Complaint/Appeal against a refusal to allow the “renewal” of an expired licence should normally be submitted by the complainant/appellant, to the Customer Feedback 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 Customer Feedback Team, Hove Town Hall, Norton Road, Hove, BN3 3BQ or by email to customerfeedback@brighton-hove.gov.uk within 14 days of the date of that refusal. The Regulatory Services 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.
- 195.6** 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.

- 195.7** Having considered and determined a Complaint/Appeal against a decision to refuse the “renewal” of an expired licence, the Regulatory Services 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 Regulatory Services Manager will be dealt with as a Stage 2 Corporate Complaint.

196. Private Hire Vehicle Exemption from Displaying External Plate Policy

196. The Policy

- 196.1. Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 196.2. Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
- 196.3. We will only exercise these discretionary powers in rare cases, where we are satisfied that there is a genuine operational business need and business requirement and that the safety of the public will not be compromised as a result.

Exemption:

- 196.4 Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle for the duration of the licence will generally only be considered where the requirements listed below are met:
- Work undertaken is exclusively "chauffeured" in nature. The chauffeur and vehicle are specifically hired to provide transport to a company or person, and/or where the display of a licence plate may affect the dignity or security of the persons carried.
 - Vehicles must be of a standard and size and comfort as decided the Executive Director Neighbourhoods, Communities & Housing and equipped to a level equal or above luxury models of vehicles such as Mercedes Benz E or S Class, BMW 7 Series, Lexus GS or LS, Audi A8, Rolls Royce and Bentley saloons. (The highest specification executive type saloon cars from other manufacturers may also be considered).
 - Vehicles must be in pristine condition with no visible defects, dents or blemishes to the external bodywork, wheels or internal trim and seating.
 - The safety of the travelling public will not be compromised by exempting the specified vehicle from displaying an identity plate.
- 196.5. An application for a vehicle to be exempted from displaying an external identification plate must be made by the vehicle proprietor using the appropriate application form. Additional documentation may be requested as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused. The Council will maintain commercial confidentiality.

- 196.6 An Authorised Officer will assess whether or not there is a genuine operational business need and whether or not the vehicle is considered to meet the criterion above.
- 196.7 There is no legal route of appeal in relation to the refusal of an exemption. In light of this a route of appeal will be provided through the Corporate Complaint process and in the event of a complaint it will be dealt with as a Stage 1 Corporate Complaint and determined by the Licensing Manager.
- 196.8 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made.
- 196.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 196.10 Exemption notices may be renewed annually subject to the vehicle undergoing a re-inspection by an authorised officer to ensure that it continues to be fit for purpose.
- 196.11 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the Council's Private Hire Driver and Vehicle conditions.
- 196.12 The following conditions will apply to all private hire vehicles granted an exemption from the requirement to display an external identification plate by Brighton & Hove City Council, and are in addition to the criteria and conditions set out in the council's general requirements and conditions pertaining to licensed private hire vehicles and drivers.
- 196.12.1 The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
- 196.12.2 The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer or Other Authorised Person.
- 196.12.3 When issued with an exemption notice, the vehicle will not be required to display any other signs (except the internal licence plate) which the Council may at any time require private hire vehicles to display.

- 196.12.4 The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- 196.12.5 During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- 196.12.6 During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in a plain navy, black or grey formal chauffeur's uniform (or equivalent for a chauffeuse).
- 196.12.7 The proprietor shall within 1 working day notify the Council of any change in the use of the vehicle.
- 196.12.8 The proprietor shall not use the vehicle for private hire purposes other than for chauffeur use (i.e. not for 'normal' airport journey's or daily private hire use).
- 196.12.9 The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.
- 196.12.10. A taximeter will not be installed in the vehicle.

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Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades



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 Institute of Licensing

Produced by the Institute of Licensing in partnership with:

 **LLG**
Lawyers in Local Government

 **NALEO**

 **Local Government Association**

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Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC
Cornerstone Barristers

April 2018

Chapter 1: Introduction

- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications¹. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

¹ Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*².

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

² [2007] 1 WLR 2067

Chapter 2: Offenders and Offending - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.³ With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm⁴. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

³ DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

⁴ Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud⁵ noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place⁶.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future⁷. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%⁸. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences⁹.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity¹⁰. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population¹¹. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

⁵ Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

⁶ Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

⁷ Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

⁸ Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

⁹ Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

¹⁰ McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

¹¹ Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

Risk of re-offending:

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”¹².
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”¹³.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over¹⁴. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships¹⁵. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males¹⁶.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist¹⁷. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance¹⁸. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

¹² National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

¹³ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

¹⁴ Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

¹⁵ Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

¹⁶ Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

¹⁷ Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

¹⁸ Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3rd Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”¹⁹.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

¹⁹ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

Chapter 3: 'Taxi' Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:
- "The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory

criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person²⁰.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK²¹.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.²²
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*²³. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’²⁴
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

²⁰ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

²¹ Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

²² “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1st December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

²³ [2002] EWHC 1145 (Admin), [2003] RTR 199

²⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”²⁵

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments²⁶. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared²⁷) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker²⁸.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks²⁹ and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

²⁵ Local Government (Miscellaneous Provisions) Act 1976 s57(1)

²⁶ See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

²⁷ “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

²⁸ See *Adamson v Waveney District Council* [1997] 2 All ER 898

²⁹ “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability³⁰.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account³¹. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

³⁰ As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

³¹ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

Private Hire Operators

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority³². A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person³³.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”³⁴
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

³² See *Dittah v Birmingham City Council*, *Choudhry v Birmingham City Council* [1993] RTR 356 QBD

³³ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

³⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation³⁵. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

Vehicle Proprietors

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence³⁶ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.47 A suitable test would be:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

³⁵ See s57(1)(c) of the 1976 Act.

³⁶ S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”³⁷

³⁷ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Chapter 4: Guidance on Determination

- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership³⁸) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

³⁸ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction³⁹. Fixed penalties and community resolutions will also be considered in the same way as a conviction⁴⁰.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

³⁹ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁴⁰ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

- 4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

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

Offences involving violence

- 4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- 4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

- 4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

- 4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Acknowledgements

In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

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The Local Government Association (LGA) is the national voice of local government.
www.local.gov.uk



Lawyers in Local Government (LLG). www.lawyersinlocalgovernment.org



National Association of Licensing and Enforcement Officers (NALEO). www.naleo.org.uk

3. Licensing objectives

The Council will adopt and carry out its Hackney Carriage and private hire licensing functions with a view to promoting the following licensing objectives.

- The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public.
- The safety and health of the public and drivers.
- Vehicle safety, comfort and access.
- Encouraging environmental sustainability.

In promoting these licensing objectives, the council will expect to see licence holders and applicants continuously demonstrate that they can meet or exceed specifications set by the council in the four licensing objectives and will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of these objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the objectives.

3.1 The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public

We cannot escape the consequences of child sexual exploitation. There have been too many cases of this having happened involving a small minority of drivers for it to be anything other than a primary responsibility of the licencing authority.

Whether it is a standalone issue or as here under the wider protection of children and prevention of crime, the duty to protect children from child sexual exploitation is undeniable and of paramount consideration.

What this will mean in a practical sense is that where there is even a suggestion of this happening, it will be treated as major investigation on behalf of the licencing authority. This may mean that enforcement action is taken, even where the evidence has not been tested in any other arena and provided it comes above more than mere rumour or innuendo, will in most cases lead to prevention of the licenced person from driving.

We recognise that the majority of drivers and operators will be equally alarmed that this has happened within their profession and we welcome their co-operation ~~we are seeing from them in terms of reporting concerns that they have~~. Contact details and reporting processes have been circulated and we would ask that all drivers and operators report their concerns in the knowledge that even one piece of information may well be the key to preventing or ceasing abuse of children.

The duty does not end with children but applies with equal significance to vulnerable adults. The duty extends beyond sexual exploitation to any area where the well being of a childany person at risk of exploitation. is at risk.

The following are vitally important functions of the authority:

- The prevention of crime and disorder.
- Safeguarding of children.
- Safeguarding of vulnerable adults.
- Protection of the Public.

The last covers a wide range of duties, from vehicle safety to safe driving. Protection of the public must be taken in its widest context and so issues such as domestic violence and other inter family abuse such as forced marriages are factors which are being considered as part of this duty.

These problems while seemingly not of relevance to a fee paying public, does demonstrate on the part of the perpetrator an inability to control behaviour appropriately. ~~Whether~~For instance violence whether it is directed against an adult or child it is a demonstrable loss of control. Where children and vulnerable adults are concerned it is clearly a safeguarding issue.

Other issues of relevance:

- Operating rules, conditions and disciplinary procedures.
- Vetting, qualification, training and monitoring licences. This is of particular importance. This will include consideration of a range of factors, such as cautions, convictions, other Court orders made to control behaviour and even where appropriate looking at somebodies social media profile. We will also make checks with colleagues in other local authority teams notably both child and adult social services.
- Omitting to work with the Police and the licencing authority.
- Being involved in behaviour that the average person would consider to be inappropriate or of significant concern whether this has resulted in a criminal investigation/conviction, or not

The correct test as set out in the legislation is whether the driver is a fit and proper person. An alternate view could be as follows:

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

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

These tests provide the outline for the matters to be taken into account when deciding upon the suitability of a driver. Where it comes to the question of child sexual exploitation, then due to the damage caused the balance will always be in

favour of child (and vulnerable adult) protection and every decision will be made with the safety of the vulnerable foremost in the decision makers mind. While every case will be decided on its own merits, the normal practice will be to be protective of people potentially at risk

3.2 The safety and health of the public and drivers

This builds upon the factors above, but widens it out to include other issues of concern to the public.

- While the main role of the authority is to keep the public safe, we are also concerned about ensuring drivers are as safe as possible.
- Driver training qualification and performance, will all be looked at and reviewed. We welcome an ongoing dialogue with the drivers and operators to provide the best service we can – we have some of the most highly qualified drivers in the Country which we are proud of and hope to build on.
- Knowledge of the city.
- Health and fitness to fulfil the role, including regular health checks.
- Working between the groups on crime prevention measures.
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities.
- Vehicle specifications
- Safety at ranks for drivers and passengers.

3.3 Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.
- Provision for the aged and the young.
- Provision of safe and comfortable premises for customers to use.

3.4 Encouraging environmental sustainability

Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not permitting licences for vehicles that are unable to comply with Euro Technology requirements

4. Code of Conduct When Working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.
- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however they should check that they are in place.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, you should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Always ask if a vulnerable passenger needs help, do not assume.
- Drivers should remain professional at all times and should not:
 - Touch a vulnerable person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualized or discriminatory language)
 - Behave in a way that may make a vulnerable passenger feel intimidated or threatened
 - Attempt to misuse personal details obtained via the business about a vulnerable person
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
- If you are concerned about the safety, welfare or behavior of a vulnerable person, you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)
- If you are concerned about someone else's conduct, you should report your concerns to the council's licensing department (01273 294429), The Police (101) or Crimestoppers (0800555111).

5. Hackney Carriage and Private Hire - Safeguarding children and vulnerable people, Human Trafficking and Child Sexual Exploitation, Forced Marriage and any other Statutory Defined Exploitation

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of the whole community but especially taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

Here is some information devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited.

~~However, t~~There is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this information will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

5.1 What You Can Do To Help Those At Risk

By following the Good Safeguarding Practices below according to your business model you will be helping to protect those who are vulnerable and / or being exploited. We need your help to bring to justice those who commit these crimes.

- If your business allows check at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.
- Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one.
- If necessary let your head office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and especially if there was any incident or anything significant occurred on the journey.
- If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff; family; security staff if a club/pub)
- Record incidents and refusals
- Be professional - try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or Facebook address.
- Avoid swearing or aggressive behaviour.
- Do not touch passengers.
- Never accept an offer of a sexual favour instead of payment.
- Make sure you are wearing ID, (your licence badge)
- Sit lone passengers in the back unless otherwise agreed.
- Ask or explain to passengers if using a centralised locking system - don't just put it on without an explanation.
- DON'T ASSUME that your passenger wants help - ALWAYS ASK
- Never follow a passenger into the house unless previously agreed / properly authorised
- ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.
- NEVER set off with a passenger without a specific destination address unless you are sure it is safe to do so
- NEVER double up passengers on a journey – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger

- If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.
- As with all professions if you are concerned about another driver's conduct report your concerns to your manager or the relevant agency.
- Organisations should have a lead member of staff for safeguarding; this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.
- ALWAYS KEEP A RECORD either in your cab or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.

5.2 Who To Contact

If you think you may be carrying someone who is vulnerable and/or the victim of exploitation: Phone 999: Call the Police emergency number if you believe that the risk is imminent/assault happened or likely to. Alternatively record and report concerns to the Police by calling 101, Crimestoppers 0800555111 or Anonymously Online

<https://crimestoppers-uk.org/give-information/give-information-online/>

The safeguarding services if a child or vulnerable adult is involved: Brighton & Hove Front Door for Families (FDFF) on 01273 290400 or

FrontDoorForFamilies@brighton-hove.gcsx.gov.uk.

Guidelines relating to the relevance of Cautions and Convictions, 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.

9. 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 w~~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, 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.

As the idea of what "Fit and Proper" means, has not been defined, it will be at the officers discretion to decide what is relevant information and from what source it can be obtained. To be relevant, evidence has to be more than mere suspicion or

innuendo. Public protection is an important function and as such all information that may mean that a person or persons are not fit and proper will be considered.

Where there are aggravating factors such as hate crime (homophobia; racism and so on), this will be taken into account.

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 Behaviour Orders, Criminal Behaviour Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgments 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.

- 9.1 Each case will be decided on its own merits with the overriding objective of protecting the public.
- 9.2 A person with a conviction for a crime need not be permanently barred from obtaining a licence but should be expected to remain free of any conviction (depending on the nature of the offence) for, at least 3 to 5 years, (however more serious offences may attract a longer period and in certain circumstances a lifetime applicability) before any application is entertained. The nature of the offence will be taken in to account when deciding on the period that they should be offence free. However, persons with convictions for sexual offences of any nature or any offences related to children, vulnerable adults 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 or revoked / not renewed pending the outcome of the hearing of the case at court. If they are subsequently convicted or acquitted then the matter will be reviewed again.
- 9.3 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.
- 9.4 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, (e.g. Death by Dangerous Driving, Drug Offences, Offences of Violence, Sexual offences, Dishonesty Offences or offences of an habitual nature).
- 9.5 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 will be taken into account as for convictions.
- 9.6 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.

- 9.7 Civil actions including injunctions are also a relevant factor where it has an impact on the driver being fit and proper. These will be assessed on a case by case basis.

9.8 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.

Fresh case law and or government guidance may change this position.

9.9 Immediate Suspension

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.

9.10 Police Bail

Hackney Carriage and Private Hire Drivers are expected to adhere to this Policy's definition of "fit & proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on Bail or released while still being investigated, depending upon the nature of the alleged offence, can expect action to be a possibility. Where Suspension is put in place, normally the suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts. The matter will then be reviewed.

9.11 Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect action by the Director of Public Health. Any suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts.

9.12 Offences or allegations involving sex and indecency offences including an element of sexual exploitation or violence against children or vulnerable persons

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted. The authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list, other than in exceptional circumstances. As these offences cover a wide range of behaviour each case will be considered on its own merit. A very serious view will be taken of rape sexual assaults, gross indecency particularly where a child or adult with vulnerability is concerned. Allegations of sexual assault where drugs are a feature will also be considered to be very serious.

Except in the most exceptional of cases an existing driver or applicant that is arrested, charged, cautioned or convicted of offences that fall into the above category will have his/her licence suspended, revoked, refused or not renewed .

The same applies in relation to offences or behaviour involved violence against children or vulnerable adults including to any modern slavery/trafficking/forced marriage.

9.13 Child Protection and Safeguarding

When considering whether an applicant or driver is fit and proper and moreover what risk the driver presents to others, the authority will take into consideration all information that represents more than gossip, speculation and unsubstantiated innuendo. In addition to sexual activity and violence as referred to above this section relates to general issues around the protection of the vulnerable and could for instance include forced marriage; radicalisation and genital mutilation by way of example (and in so far as they are not already actionable).

In making its enquiries the authority will rely on all relevant information provided by other departments of the council. This will include information provided by Children's Services and the Local Authority Designated Officer (LADO) responsible for child protection. Issues raised on any DBS check will also be pursued and may be relevant evidence even where no charge follows. Enquiries will be made of the Police.

Where the authority has reasonable cause for concern based on the information from these and other relevant sources it will act appropriately to safeguard children and young persons. As the prevention of child sexual abuse is such an important issue, there will be a presumption in favour of protective measures.

This also extends to other vulnerable groups who may be at risk of exploitation ~~such as vulnerable adults~~. This may mean that based on this information an applicant will not be allowed to proceed or an existing driver may have his/her licence suspended, revoked or not renewed. The nature of the issue will determine time periods for refusal or revocation

9.14 Exploitation

Where an applicant or existing licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not ~~other than in exceptional circumstances~~ be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

9.14 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 the offence involves supply or production of drugs then the minimum period will normally be 7 years, but will be determined by the facts of the situation assessed on its own merit.

Where there is evidence of prohibited drug use or abuse of prescription medication 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 (in so far as it impacts on their driving). The Council reserves the option to seek its own expert medical evidence where necessary.

9.16 Possession of a Weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted ~~normally~~ until at least 7 years have elapsed since the completion of any sentence imposed. As this offence covers a wide range of behavior each case will be judged on its own merit. A serious view will be taken where a weapon was used or displayed in a public area.

9.15 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 / battery (and any other offence that has an element of violence such as affray or false imprisonment).

Dependent on the nature of the assault a minimum of three years free of cautions / convictions should be shown before an application is entertained. Any grant of of a licence will be entirely at the authorities discretion and will depend on the facts known to the authority. 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.

The authority reserves the right in relation to violence but also other offences as

appropriate to seek / obtain independent medical advice about the individual concerned.

Crimes Resulting in Death

Where an applicant or existing licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not **normally** be licensed

9.16 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.

9.17 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 minimum 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.

The amount of time will be at the discretion of the authority and will be determined by the facts of the situation.

9.18 Discrimination / Hate Offences / Harassment

An applicant or existing licence holder with a caution / conviction relating ~~or~~ to discrimination or harassing another person or legal findings against them in the civil courts for a discrimination or harassment related ~~offence~~matters should be required to show a period of at least a minimum of three years free of any caution / convictions / incidents before any application is entertained.

Where no court finding has been made but the authority has formed the view based on evidence that there are issues of concern then they may act.

9.19 Minor Road Traffic Offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

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 or where appropriate may have their licence suspended or revoked for up to a time depending on the circumstances.

9.20 Major Road Traffic Offences

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.

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 but may lead to suspension or revocation of their licence. ~~However, for~~ 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~~ seven years ~~has elapsed~~ free from conviction. ~~s has elapsed.~~

9.21 Driving under the influence of Drink or Drugs/Using a hand held telephone or hand a held device.

9.21.1 with a motor vehicle.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. 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.~~

9.21.2

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades~~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. Where there is strong evidence that some one is driving while under the influence of any intoxicant this may lead to action.~~

9.21.3 Drunk or Evidence of Drug use but not in a motor vehicle.

An isolated caution / conviction for drunkenness or possession of drugs need not debar an applicant from obtaining a licence, however, a number of cautions / convictions for drunkenness these matters could indicate ~~alcohol~~ dependency necessitating a medical examination, (see 9.14. above) and possibly suspension or revocation.

9.21.4 Where an applicant has a conviction for using a hand-held mobile telephone device whilst driving, a licence will not be granted until at least 1 year has elapsed for a first offence and 5 years for subsequent offences since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

9.22 Insurance Offences

9.22.1 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.

9.22.2 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.

- 9.22.3** 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.

9.25 Hackney Carriage and Private Hire Offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use set out elsewhere), a licence will not normally be granted until at least a minimum of 3 years have elapsed since the completion of any sentence imposed

9.26 Vehicle use Offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not normally be granted until at least a minimum of 3 years have elapsed since the completion of any sentence imposed.

9.23 Breaches of Licensing Conditions (not ~~connected~~connected with Hackney / Private Hire), Public Spaces Protection Orders, Community Protection Notice, 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. Anyone found to be in breach of a Public Spaces Protection Order (PSPO) or issued a Community Protection Notice (CPN) will be considered liable for investigation. These matters 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 or suspension of any hackney carriage or private hire licence held with the Council.

9.24 Criminal Behaviour Orders / Injunctions or any other order under the Anti-Social Behaviour and Policing Act 2014

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.

If the driver is already licenced then in all likelihood this will lead to suspension or revocation.

9.25 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.

If the driver is already licenced then in all likelihood this will lead to suspension or revocation.

9.30 Other Issues.

If any applicant or Licensed driver is or has been under investigation in the Court process relating to, or subject to any order finding that is a breach of any statutory provision or is subject to an adverse court finding which is or maybe of concern to the licensing authority then the authority can refuse, suspend or revoke a licence, for that period it deems appropriate subject to proper reasons being given.

9.26 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.

9.27 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.

10. Procedure for Licensing Hackney Carriage and Private Hire Drivers.

This section relates specifically to driver conduct.

10.1 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. It is the responsibility of the applicant to satisfy the council that they are fit and proper and that they are safe and suitable to hold a licence.

The Council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. In assessing whether someone may be fit and proper the Council will take into account the following, and not exclusively, information in to account:

- Criminality
- Good Character
- Human Rights
- Period of holding a driver's licence
- Number of endorsed driving penalty points
- Right to work
- Medical fitness
- Enhanced driver Competence

- Geographical knowledge of the area
- Professional Qualifications (Btec/NVQ)
- Disability Awareness
- Spoken English

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

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.

10.2 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:

- Criminal convictions.
- Cautions.
- Community resolutions.
- Anti-social behavior orders
- Criminal Behavioral Orders
- County Court injunctions relating to behavior.
- High Court injunctions relating to behavior.
- Fixed penalty notices (personally or business related).
- Motoring convictions and penalty notices.

In all cases the licence holder 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.

10.3 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.

Part F

Procedure for Licensing a Private Hire Operator

A private hire operator ('an operator') does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the vehicle (except where they are also the licensed driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes. Any person with a management and Governance role of an operator is subject to the same duties as a driver in relation to criminal conviction, caution and any other court order

65. General

- 65.1** Operators must be licensed in the same district as the district in which they have their office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.
- 65.2** Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator's 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, smart phone app 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 operator's licence.
- 65.3** 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. An Operator 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 has slurred speech that they are drunk as opposed to having neurological disorder.

65.4 To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible.

65.5 It is a requirement 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. Failure to do so may result in an Operators Licence being suspended or revoked

66. 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.

Company Register Certificate

Planning Permission

Public Liability Insurance.

Health and Safety Policy.

Health and Safety Notices.

Shops and Factories Offices Notice.

Advice on Lifting Notice.

Fire Evacuation Notice.

Accident Book.

First Aid Kit.

Fire Extinguishers.

Operators Licence.

Adequate Lighting

Booking Records.

Diary of Advanced Bookings Vehicle Licences.

Copy of Vehicle Licences.

List of Vehicles with details.

List of Drivers with details.

Company policy & procedures document in relation to those with a disability

Monitoring records of the use of your service by those with a disability

71.1 The Records of Bookings MUST show;

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

71.2 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.

71.3 The Standards expected 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
Only use the services of drivers and vehicles licensed by Brighton & Hove
City Council
Check Private Hire Driver Licences are valid.
Ensure Only Licensed Drivers are used to drive licensed Vehicles
[Any staff employed should be trust worthy and honest. A Disclosure & Barring \(DBS\)
check is Recommended](#)
Maintain Driver Standards Ensure Vehicle Licenses are valid.
Check Vehicles Clean and Safe.
Ensure Insurance is Valid.
Check Vehicle for Damage.
Ensure Plates Displayed Correctly.
Report Any Driver Offences
Report any Accidents.
Report any Lost Property.
Assist with Police Link calls.
Keep all Records for 6 months.
Give Fixed Price Quote if Requested.
Telephones are in Working Order.
Report any changes of Address.
Report any changes of Director(s).

72. The Operator

- 72.1** The application form must be complete and returned to the Taxi Licensing Office.
- 72.2** Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operator's licence.
- 72.3** 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.
- 72.4** 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;
 - 72.4.1** clean, adequately heated, ventilated and lit, both for bookings and waiting,
 - 72.4.2** if required waiting area has adequate seating facilities.
- 72.5** The operator premises to be licensed must be situated within the district of Brighton & Hove.
- 72.6** The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.
- 72.7** All operators premises to which the public have access must be covered by public liability insurance to cover all risks.
- 72.8** 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.
- 72.9** 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 Director of Neighbourhoods, Communities and Communities annually. Failure to do so may result in the suspension or revocation of an Operators Licence.
- 72.10** All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or; equivalent (as decided by the Director) or; the Catstream Drivers Disability Awareness Training or MET College Certificate.
- 72.11** All operators must ensure that all drivers do not work excessive hours and have adequate breaks between shifts
- 72.12** All operators must ensure that all Brighton & Hove Vehicles operated under the licence comply with the current Brighton & Hove CCTV conditions. See sections 192 & 193.
- 72.13** 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.

73. 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 booking a mobile telephone in a district other than the one in which he is licensed he will commit an offence of operating in an unlicensed manner.

Part H

74. Advice to vehicle owners

Any proprietor is subject to the same consideration as a driver in relation to criminal convictions, cautions and other court orders.

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.

Ensure that the vehicle is not used for illegal or illicit purposes

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.

|

Procedure for Licensing a Private Hire Operator

A private hire operator ('an operator') does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the vehicle (except where they are also the licensed driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and must not be improperly or accidentally not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes. Any person with a management and Governance role of an operator is subject to the same duties as a driver in relation to criminal conviction, caution and any other court order

65. General

- 65.1** Operators must be licensed in the same district as the district in which they have their office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.
- 65.2** Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator's 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, smart phone app 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 operator's licence.
- 65.3** 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. An Operator 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 has slurred speech that they are drunk as opposed to having neurological disorder.
- 65.4** To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible.

65.5 It is a requirement 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. Failure to do so may result in an Operators Licence being suspended or revoked

66. Advice to Operators

Any operator is subject to the same consideration as a driver in relation to criminal convictions, cautions and other court orders.

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.

Company Register Certificate

Planning Permission

Public Liability Insurance.

Health and Safety Policy.

Health and Safety Notices.

Shops and Factories Offices Notice.

Advice on Lifting Notice.

Fire Evacuation Notice.

Accident Book.

First Aid Kit.

Fire Extinguishers.

Operators Licence.

Adequate Lighting

Booking Records.

Diary of Advanced Bookings Vehicle Licences.

Copy of Vehicle Licences.

List of Vehicles with details.

List of Drivers with details.

Company policy & procedures document in relation to those with a disability

Monitoring records of the use of your service by those with a disability

71.1 The Records of Bookings MUST show;

Date and Time made.

Name and Address where possible of hirer.

Personal, Telephone, Web or App booking.

Destination where possible

Time of Pick-Up.
Point of Pick-Up.
Time Allocated to Driver.
Allocated to which Vehicle.

71.2 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.

71.3 The Standards expected 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
Only use the services of drivers and vehicles licensed by Brighton & Hove
City Council
Check Private Hire Driver Licences are valid.
Ensure Only Licensed Drivers are used to drive licensed Vehicles
[Any staff employed should be trustworthy and honest. A Disclosure & Barring \(DBS\) check is Recommended](#)
Maintain Driver Standards
Ensure Vehicle Licenses are valid.
Ensure that the vehicle is not used for illegal or illicit purposes
Check Vehicles Clean and Safe.
Ensure Insurance is Valid.
Check Vehicle for Damage.
Ensure Plates Displayed Correctly.
Report Any Driver Offences
Report any Accidents.
Report any Lost Property.
Assist with Police Link calls.
Keep all Records for 6 months.
Give Fixed Price Quote if Requested.
Telephones are in Working Order.
Report any changes of Address.
Report any changes of Director(s).

72. The Operator

- 72.1** The application form must be complete and returned to the Taxi Licensing Office.
- 72.2** Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operator's licence.
- 72.3** 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.
- 72.4** 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;
 - 72.4.1** clean, adequately heated, ventilated and lit, both for bookings and waiting,
 - 72.4.2** if required waiting area has adequate seating facilities.
- 72.5** The operator premises to be licensed must be situated within the district of Brighton & Hove.
- 72.6** The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.
- 72.7** All operators premises to which the public have access must be covered by public liability insurance to cover all risks.
- 72.8** 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.
- 72.9** 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 [Director of Neighbourhoods, Communities and Housing](#) annually. Failure to do so may result in the suspension or revocation of an Operators Licence.
- 72.10** [All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed the Driver and Vehicle Standards Agency \(DVSA\) taxi wheelchair exercise test or one of the following; the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent \(as decided by the Director\).](#)
- 72.11** All operators must ensure that all drivers do not work excessive hours and have adequate breaks between shifts
- 72.12** All operators must ensure that all Brighton & Hove Vehicles operated under the licence comply with the current Brighton & Hove CCTV conditions. See sections 192 & 193.
- 72.13** 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.

73. 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 booking 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 unlicensed manner.

Part G

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

74. Interpretation.

74.1 In these conditions;

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

74.1.2 “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.

74.2 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.

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

75. The records to be kept by the Operator

75.1 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.

75.2 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;

75.2.1 the time and date of the booking.

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

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

75.2.4 how the booking was made (e.g. by telephone, personal call, or via a mobile app).

75.2.5 where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking and notes must be included: including the name of the sub-contractor and contact information.

75.3 the records of bookings shall be maintained and kept up to date at all times and shall be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers shall be empowered to photograph and/or remove such records howsoever kept from the premises as so required.

75.4 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.

75.5 The operator shall keep records of all driver training.

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

76. 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;

- 76.1** 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.
- 76.2** 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.
- 76.3** ensure that any waiting area provided has adequate seating facilities.
- 76.4** keep a summary of all complaints received regarding service provided or about drivers
- 76.5** Must provide an equal service for differently abled passengers
- 76.6** Any operator operating more than 100 vehicles must ensure that 20% of their fleet is Wheelchair Accessible.
- 76.7** [When an automated booking is made under an operators licence, the booking confirmation and receipt provided to a passenger will identify that the driver is licensed by Brighton & Hove City Council or the name of the subcontracted operator.](#)
- 76.8** [An operator must provide a phone number for customers to have voice contact during the Operators hours of business and at all times during a journey if passengers want to make a complaint or discuss other matters relating to their booking.](#)

77. 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.

78. Provisions regulating the conduct of the operator.

- 78.1** The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle.
- 78.2** 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.
- 78.3** No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.
- 78.4** 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.
- 78.5** the operator shall not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control
- 78.6** the operator shall not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
 - Concealed from public view
 - Defaced
 - Disfigured

The operator shall also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence

78.7 The operator must notify the Council as soon as practicable and in any case within 72 hours of the occurrence thereof, of any accident to any vehicles working for that company, causing damage

78.8 [The Operator must not use any technology for the purposes of avoiding regulatory or law enforcement activity in connection with its operator licence.](#)

79. Provisions regulating the conduct of the operators drivers

79.1 The operator must inform the Council in writing within 7 days the details of any driver removed from the operator's circuit giving the reasons for removing that driver

79.2 [Operators must report to the Council any allegation or complaint relating to certain serious behaviours, specifically:](#)

- [Sexual misconduct](#)
- [Violence](#)
- [Discrimination](#)
- [Wrong driver / vehicle](#)
- [Theft](#)
- [Touting](#)

[Upon receiving any allegation or complaint relating to the above serious behaviours the Operator must take all reasonable steps to restrict the driver's access to work within 24 hours and whilst any investigation is ongoing. All complaints involving these behaviours must be reported by the Operator to the Council within 72 hours of receiving the complaint.](#)

79.3 The operator shall keep records of all driver training.

79.4 [The operator must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed one of the following; the Driver & Vehicle Standards Agency \(DVSA\) taxis wheelchair exercise test, the Catstream Drivers Disability Awareness Training, DHAATC training, Transport for All Training or equivalent \(as decided by the Director\) before renewal of licence every 3 years.](#)

79.5 The operator must ensure that all its drivers have undergone disability equality training to help them serve differently abled people or passengers with an access need.

79.6 The operator shall take all necessary measures including those of requested by an Authorised Officer of the Council or Police Officer to prevent vehicles in its employment from parking or congregating in such a manner as to cause a nuisance to any reasonable person

79.7 The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.

79.8 The operator shall bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006

79.9 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company have an up to date Enhanced Disclosure and Barring Service check Certificate.

79.10 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.

79.11 The Operator must ensure that all drivers who carryout work on behalf of the operator do not work excessive hours and have adequate breaks between shifts.

79.12 The Operator shall ensure that all drivers are aware of their obligations under the Equalities Act 2010 which are:-

Section 165 – Duty on a driver of a designated wheelchair accessible vehicle to:-

- Carry the passenger whilst 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

Unless a driver has an exemption under Section 166 which states that he/she is unable to assist passengers in wheelchairs on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult to comply.

Section 168 to 171 (previously Disability Discrimination Act 1995):-

Duty to carry Assistance Dogs unless an exemption is held on medical grounds.

80. 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 operator's licence in the interests of the safety of drivers and passengers.

81. 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 fulfil a booking they may only pass these to another licensed operator whose drivers who carry out work on behalf of that operator have an up to date Enhanced Disclosure and Barring Service check Certificate.

82. Deposit of driver and vehicle licences

82.1 Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that a copy of the driver's 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.

82.2 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.

- 82.3** The Operator must ensure that every proprietor of a Private Hire Vehicle operating under the licence is acquainted with, understands and observes the conditions attached to a Private Hire Vehicle Licence.

83. Private Hire Operator Association

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

84. 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.

85. Police Safety Schemes

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

- 85.1** To alert radio controlled vehicles as to missing or suspicious persons or vehicles etc.
- 85.2** To alert Sussex Police of any criminal activities observed.
- 85.3** 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.

86. Appeals

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

LICENSING COMMITTEE (NON-LICENSING ACT 2003 FUNCTIONS)

Agenda Item 17

Brighton & Hove City Council

Subject:	Licence fees 2019/2020		
Date of Meeting:	29 November 2018		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Jim Whitelegg, Regulatory Services Manager	Tel: 29-2438
	Email:	Jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report sets out the proposed licence fees and charges for 2019/20 relating to Street Trading, Sex Establishments and Sex Entertainment Licences, Gambling premises, taxi licensing and other licensing functions.

2. RECOMMENDATIONS:

- 2.1 That the committee approves the following licence fees:
- Raise all taxi licence fees by the corporate rate of inflation (2%) for 2019/20.
 - Sex entertainment venues and sex establishments fees – fees remain unchanged.
 - Street trading fees– remain unchanged.
 - All Gambling Act 2005 fees – remain unchanged.

A list of agreed fees for 2018-19 and proposed fees for 2019-20 is included in Appendix 1-2.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In order to ensure that council tax payers are not subsidising work concerning licensing administration, income is raised by licence fees with the aim of covering the cost of administration of each regime within the constraints of regulation. Licence fees should not be used to raise surplus revenues. We have undertaken a further review of the way we have calculated the charges so that they are now based on the most recent detailed analysis of officer time. The regulation of setting fees is detailed and changes as a result of legislation and cases; outlined below.

Licence Fee Setting – general principles

- 3.2 There must be a proper determination of the authorisation fee (see Hemming 2015, 2017] UKSC.

- 3.3 A clear understanding of the policy and objects of the regime in question is required. It follows that the relevant considerations for vetting an applicant for a street trading licence will be different to those required for a sex establishment (see *R v Manchester City Council ex parte King* (1991) 89 LGR 696; also *R (on the application of Davis & Atkin) v Crawley Borough Council* [2001] EWHC 854 (Admin)). Particular attention needs to be had to those statutory provisions where a power is given to the local authority for the determination of an authorisation fee and other administrative fees.
- 3.4 Applicability of the European Services Directive (see Hemming [2015, 2017] UKSC: The Directive applies to street trading and sex licensing; not gambling or taxis.
- 3.5 Different fee levels for different types of application. A licensing authority is entitled to set either the same or different fee levels for different types of applications: i.e. grant, renewal, variation, alteration or transfer. *R v Greater London Council, ex parte Rank Organisation* [1982] LS Gaz R 643.
- 3.6 Recovery of deficit. In *R v Westminster City Council, ex parte Hutton* (1985) 83 L.G.R. 461 it was held that where the fee income generated in one year fails to meet the costs of administering the licensing system, it is open to the local authority to make a proportionate increase in the licence fee for the following year so as to recoup the cost of the shortfall (Hutton at p 518). This longstanding principle was confirmed in Hemming [2012].
- 3.7 Accounting for surplus. In Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591 the court determined surpluses as well as deficits are to be carried forward. The licensing authority is not entitled to make a profit. (*R v Manchester ex parte King* 1991 89 LGR 696.
- 3.8 Rough and ready calculations. In Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591, the court did not require pin-point precision year on year. The council does not have to adjust the licence fee *every* year to reflect any previous deficit or surplus, so long as it 'all comes out in the wash' eventually. And the adjustment does not have to be precise: a rough and ready calculation which is broadly correct will do.
- 3.9 Anticipated costs. Cases demonstrate that the fee level may be fixed by reference to anticipated costs of administering the authorisation scheme.
- 3.10 Over-estimation. If the fee levied in the event exceeds the cost of operating the scheme, the original decision will remain valid provided it can be said that the district council reasonably considered such fees would be required to meet the total cost of operating the scheme. *R v M ex parte King*.

Hackney Carriage & Private Hire

- 3.11 The Council must be able to show that it calculates hackney carriage and private hire licensing fees in accordance with the specific requirements of the Local Government (Miscellaneous Provisions) Act 1976. This requires that such fees have to be reasonable to recover the cost of issue and administration of licences.

They cannot be used to raise revenue or fund activities such as taxis marshals. This has been confirmed in a recent court case *Cummings and Others v Cardiff City Council* which also confirmed that fees set must have regard to any surplus or deficit in previous years for each regime (hackney carriage or private hire). The Act allows the following costs to be recovered in the fees:

- The reasonable cost of carrying out vehicle inspection to decide if a licence should be granted
- The reasonable costs of providing hackney carriage stands
- Any reasonable administrative or other costs in connection with vehicle inspection and providing hackney carriage stands and
- Any reasonable administrative or other costs in the control and supervision of hackney carriage and private hire vehicles.

3.12 A trading position has been established, taking into account all expenditure that the Council has incurred in administering the service, including both direct and indirect costs. (Indirect costs for example would include an element of management time to oversee the activity, a legitimate expense in administering the licensing function). The results are set out in the table below.

Taxi Licensing	
Financial Year	£'000 (- Surplus)/ Deficit
2017/18 Actual	-6
2018/19 Forecast	3
2019/20 Budget	2
Total	0

3.13 Statement on Taxi Licensing Fees 2019/20

Taxi fees are set in accordance with the relevant legislative provisions with the legitimate aim of covering the costs of administration in relation to the service. There has been no fee increase since 2015 (except for HC vehicle fees rising by 7.2% in 2018) which demonstrates that costs have been kept under control and that the impact of inflationary pressures have been managed carefully by the service.

Despite there being no significant increase in fees over the last 4 years our staffing and enforcement costs have increased, as well as the costs of some licences being disproportionately higher due to the frequency of issue.

Officers have taken on board comments from last year's proposed rise in the 1 year driver licences and, therefore, it is proposed to raise all fees by the corporate rate of inflation (2%) for 2019/20 and as a minimum each year thereafter. Given that our fees have been benchmarked and can demonstrate they are set fairly, it is felt that this approach helps provide more certainty for the trade and ensures that our costs are fully recovered each year (taking account of inflationary uplifts). If there were any significant variations to the costs, then these would be communicated to the trade and clearly be taken into account when setting the relevant fee/s.

The Trade have been made aware of this recommendation via email and at the trade forum on the 13th September 2018.

Detailed Trading Accounts are attached in Appendix 3.

Sex establishments and Street trading

- 3.14 Sex establishments:-The administration of sex establishments and sex entertainment venues (SEV)s is broken down as follows:
There are 5 Sex Establishments in total, for which renewal applications are processed annually, including officers carrying out annual inspections to ensure compliance with their licence. It is unlikely that a further sex establishment licence would be granted as this would be contra policy.

SEVS: There are 3 SEVs in total. SEV fees are based on licence renewals. It is unlikely that a further SEV licence would be granted as this would be contra policy. Annual inspections are carried out to ensure compliance with their licence.

- 3.15 A trading position has been established, taking into account all expenditure that the Council has incurred in administering the service, including both direct and indirect costs. The results are set out in the table below.

Sex Establishments and Sex Entertainment Venues	
Financial Year	£'000 (-Surplus)/ Deficit
2017/18 Actual	2
2018/19 Forecast	0
2019/20 Budget	1
Total	3

The proposed fees remain unchanged. Detailed Trading Accounts are attached in Appendix 4.

- 3.16 Following the same principles as stated previously, a trading position has been established for Street Trading. During 2017/18, the majority of inspections carried out by officers are recoverable. The administration of street trading is wholly recoverable, broken down as follows:

Zone A:-

3 traders at 50 sq ft – all pay quarterly
2 traders at 42 sq ft - Ditto

Zone B:-

17 traders – 2 have paid in full, 15 pay by quarterly instalments

Upper Gardner Street Saturday Market:-

Total 41 traders – 2 pay in full with the remainder of the traders paying by quarterly instalments.

- 3.17 Taking into account all the council expenditure incurred in administering the service including an element of management time to oversee the activity, the results are set out in the table below.

Street Trading	
Financial Year	£'000 (-Surplus)/ Deficit
2017/18 Actual	2
2018/19 Forecast	-2
2019/20 Budget	-1
Total	-1

The proposed fees remain unchanged. Detailed Trading Accounts are attached in Appendix 4.

Gambling Act 2005

- 3.18 The proposed fees remain unchanged to help bring the trading account to a breakeven position. Trading accounts can be found at Appendix 4.

Gambling Act	
Financial Year	£'000 (-Surplus)/ Deficit
2017/18 Actual	-2
2018/19 Forecast	-1
2019/20 Budget	0
Total	-3

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Fees must be set.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

- 5.1 Council's finance officer and legal services.

6. CONCLUSION

Fees must be set.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

Licence fees are set annually at a level that it is reasonably believed will cover the costs of providing the service, and in accordance with the legal principles involved. This is necessary in order to ensure that council tax payers are not subsidising work concerning licensing administration. Detailed trading accounts are attached in Appendix 3-4.

7.2 Legal Implications:

Legal constraints on setting fees are as follows:

- Fees must be charged in accordance with the requirements of the legislation under which they are charged. Thus for instance the Licensing Act 2003 gives the Council no discretion as they are set centrally by the relevant government department. Other legislation such as the Local Government (Miscellaneous Provisions) Act 1982 which covers a whole raft of activities and includes street trading and sex establishments simply states that we may charge such fees as we consider reasonable.

The term 'Reasonable' however does not imply wide discretion but incorporates important legal principles and constraints. These were highlighted in the case of *R v Manchester City Council ex parte King* concerning street trading. This case held that the fees charged must be related to the costs incurred in providing the street trading service. They must not be used to raise revenue generally. Fees must be proportionate. This principle is key and applies to other licensing regimes such as sex establishments.

- This principle has been reinforced by the introduction of the European Services Directive which took effect from the end of 2009. The processes must be non-discriminatory, justified, proportionate, clear, objective, made in advance, transparent and accessible. Any fee charged for establishing a service can only be based on cost recovery and cannot be set at an artificial high level to deter service sectors from an area. The applicability of the Directive has been discussed in the recent case of *Hemming (and others) v Westminster City Council* (2015) (2017) UKSC. It is permissible for enforcement costs to be included in a licence fee but this element of the fee must be levied once the application has been granted. The Council should schedule regular fee reviews.
- Therefore the trading accounts must be carefully looked at in accordance with these principles. There is a risk of challenge by way of Judicial Review in cases where fees are set at an unreasonable or unlawful level.

Lawyer Consulted: Rebecca Sidell

Date:

7.3 Equalities Implications:

There are no direct equalities implications.

7.4 Sustainability Implications:

There are no direct sustainability implications.

Any Other Significant Implications:

SUPPORTING DOCUMENTATION

Appendices:

- 1-2 List of fees and charges.
- 3-4. List of Trading accounts.

Documents in Members' Rooms

- 1. None.
- 2. None.

Background Documents

- 1. None.

Appendix 1

TAXI LICENCE FEES			
	2018-19	2019-20	
	Agreed Fee	Proposed Fee	Change
	£	£	%
First Application (drivers)	£101.00	£103.00	2.0%
DBS Check*	£44.00	£44.00	0.0%
Hackney Carriage Drivers Licence (1 Year)	£100.00	£102.00	2.0%
Hackney Carriage Drivers Licence (2 Year)	£200.00	£204.00	2.0%
Hackney Carriage Drivers Licence (3 Year)	£300.00	£306.00	2.0%
Private Hire Drivers Licence (1 Year)	£76.00	£78.00	2.6%
Private Hire Drivers Licence (2 Year)	£152.00	£156.00	2.6%
Private Hire Drivers Licence (3 Year)	£228.00	£234.00	2.6%
Hackney Carriage Vehicle Licence (Full Year)	£178.00	£182.00	2.2%
Hackney Carriage Vehicle Licence (Half Year)	£89.00	£91.00	2.2%
Private Hire Vehicle Licence (Full Year)	£65.00	£66.00	1.5%
Private Hire Vehicle Licence (Half Year)	£32.50	£33.00	1.5%
Hackney Carriage Plate Deposit	£33.00	£33.00	0.0%
Private Hire Plate Deposit	£24.00	£24.00	0.0%
Private Hire Operator Licence (1 or 2 Cars) - 5 year	£145.00	£148.00	2.1%
Private Hire Operator Licence (3 or more Cars) - 5 year	£515.00	£525.00	1.9%
Hackney Carriage Substitute Vehicle Fee	£25.00	£25.00	0.0%
Private Hire Substitute Vehicle Fee	£25.00	£25.00	0.0%
Knowledge Test Fee	£25.00	£25.00	0.0%
Route Test Fee	£35.00	£35.00	0.0%

**Note that DBS fees are not set by Brighton & Hove City Council*

Appendix 2

LICENSING FEES			
	2018-19	2019-20	
	Agreed Fee	Proposed Fee	Change
	£	£	%
Sex Establishments and Venues			
Sex Entertainment Venue	£3,380.00	£3,380.00	0.0%
Sex Establishments - Grants	£3,700.00	£3,700.00	0.0%
Sex Establishments - Renewal	£3,380.00	£3,380.00	0.0%
Sex Establishments - Occasional	£2,000.00	£2,000.00	0.0%
Street Trading			
Upper Gardner Street	£510.00	£510.00	0.0%
Zone B	£610.00	£610.00	0.0%
Zone A 50 sq ft.	£4,190.00	£4,190.00	0.0%
Zone A 42 sq. ft.	£3,440.00	£3,440.00	0.0%
Street Artists	£30.00	£30.00	0.0%
Misc. Short Term	£30.00	£30.00	0.0%
Farmers Maker (per stall)	£220.00	£220.00	0.0%
Small Street Marker (per occasion)	£290.00	£290.00	0.0%
Gambling Act			
Existing Casino - Reg 4 (2) (a)	£360.00	£360.00	0.0%
Existing Casino - Reg 4 (2) (b)	£1,434.00	£1,434.00	0.0%
Existing Casino - Reg 6 and Reg 8	£2,032.00	£2,032.00	0.0%
Existing Casino - Reg 10	£13.85	£13.85	0.0%
Existing Casino - Reg 11	£1,434.00	£1,434.00	0.0%
Existing Casino - Reg 12	£1,434.00	£1,434.00	0.0%
Existing Casino - Reg 13	£13.85	£13.85	0.0%
Existing Casino - Reg 14	£1,350.00	£1,350.00	0.0%
Bingo Premises - Reg 4 (2) (a)	£360.00	£360.00	0.0%
Bingo Premises - Reg 4 (2) (b)	£1,434.00	£1,434.00	0.0%
Bingo Premises - Reg 5 (2) (a)	£741.00	£741.00	0.0%
Bingo Premises - Reg 5 (2) (b)	£1,434.00	£1,434.00	0.0%
Bingo Premises - Reg 6 and Reg 8	£712.50	£712.50	0.0%
Bingo Premises - Reg 10	£13.85	£13.85	0.0%
Bingo Premises - Reg 11	£1,434.00	£1,434.00	0.0%
Bingo Premises - Reg 12	£1,200.00	£1,200.00	0.0%
Bingo Premises - Reg 13	£13.85	£13.85	0.0%
Bingo Premises - Reg 14	£1,200.00	£1,200.00	0.0%
Bingo Premises - Reg 15	£1,434.00	£1,434.00	0.0%
AGCs - Reg 4 (2) (a)	£360.00	£360.00	0.0%
AGCs - Reg 4 (2) (b)	£1,200.00	£1,200.00	0.0%
AGCs - Reg 5 (2) (a)	£741.00	£741.00	0.0%
AGCs - Reg 5 (2) (b)	£1,434.00	£1,434.00	0.0%
AGCs - Reg 6 and Reg 8	£712.50	£712.50	0.0%
AGCs - Reg 10	£13.85	£13.85	0.0%
AGCs - Reg 11	£1,000.00	£1,000.00	0.0%
AGCs - Reg 12	£1,200.00	£1,200.00	0.0%
AGCs - Reg 13	£13.85	£13.85	0.0%
AGCs - Reg 14	£1,200.00	£1,200.00	0.0%
AGCs - Reg 15	£1,434.00	£1,434.00	0.0%
Betting Tracks - Reg 4 (2) (a)	£360.00	£360.00	0.0%
Betting Tracks - Reg 4 (2) (b)	£1,434.00	£1,434.00	0.0%
Betting Tracks - Reg 5 (2) (a)	£741.00	£741.00	0.0%
Betting Tracks - Reg 5 (2) (b)	£1,434.00	£1,434.00	0.0%
Betting Tracks - Reg 6 and Reg 8	£712.80	£712.80	0.0%
Betting Tracks - Reg 10	£13.85	£13.85	0.0%

Appendix 2

LICENSING FEES			
	2018-19	2019-20	
	Agreed Fee	Proposed Fee	Change
	£	£	%
Betting Tracks - Reg 11	£1,250.00	£1,250.00	0.0%
Betting Tracks - Reg 12	£950.00	£950.00	0.0%
Betting Tracks - Reg 13	£13.85	£13.85	0.0%
Betting Tracks - Reg 14	£950.00	£950.00	0.0%
Betting Tracks - Reg 15	£1,434.00	£1,434.00	0.0%
FECs - Reg 4 (2) (a)	£360.00	£360.00	0.0%
FECs - Reg 4 (2) (b)	£1,200.00	£1,200.00	0.0%
FECs - Reg 5 (2) (a)	£741.00	£741.00	0.0%
FECs - Reg 5 (2) (b)	£1,434.00	£1,434.00	0.0%
FECs - Reg 6 and Reg 8	£547.80	£547.80	0.0%
FECs - Reg 10	£13.85	£13.85	0.0%
FECs - Reg 11	£1,000.00	£1,000.00	0.0%
FECs - Reg 12	£950.00	£950.00	0.0%
FECs - Reg 13	£13.85	£13.85	0.0%
FECs - Reg 14	£950.00	£950.00	0.0%
FECs - Reg 15	£1,386.00	£1,386.00	0.0%
Betting Other - Reg 4 (2) (a)	£360.00	£360.00	0.0%
Betting Other - Reg 4 (2) (b)	£1,434.00	£1,434.00	0.0%
Betting Other - Reg 5 (2) (a)	£741.00	£741.00	0.0%
Betting Other - Reg 5 (2) (b)	£1,434.00	£1,434.00	0.0%
Betting Other - Reg 6 and Reg 8	£448.80	£448.80	0.0%
Betting Other - Reg 10	£13.85	£13.85	0.0%
Betting Other - Reg 11	£1,434.00	£1,434.00	0.0%
Betting Other - Reg 12	£1,200.00	£1,200.00	0.0%
Betting Other - Reg 13	£13.85	£13.85	0.0%
Betting Other - Reg 14	£1,200.00	£1,200.00	0.0%
Betting Other - Reg 15	£1,434.00	£1,434.00	0.0%
Lotteries New - Reg 12	£40.00	£40.00	0.0%
Lotteries New - Reg 14	£40.00	£40.00	0.0%
Renewal - Reg 12	£20.00	£20.00	0.0%
Renewal - Reg 14	£40.00	£40.00	0.0%

Appendix 3 - Taxi Licensing Fee Trading Accounts 2017-2020

Taxi Licensing - Three Year Accounts				
2017-18 Financial Year Actual				
CIPFA Standard Subjective	Hackney Carriages - Vehicles	Hackney Carriages - Drivers	Private Hire - Vehicles	Private Hire - Drivers
	£	£	£	£
Direct Employees	42,679	45,919	16,051	12,947
Indirect Employees (Non DBS)	934	1,043	360	294
Indirect Employees (DBS)	0	24,043	0	6,687
Transport Related	424	474	164	133
Unmet Demand Survey	7,068	0	0	0
Driver Assessments/Checks	0	13,486	0	3,751
Supplies and Services	8,086	9,033	3,121	2,545
Support Services	17,189	19,200	6,634	5,411
Management Overhead	19,187	21,432	7,405	6,040
Total Expenditure	95,567	134,630	33,736	37,808
Total Income	-95,181	-135,717	-37,598	-39,038
Total (Surplus) / Deficit	386	-1,087	-3,862	-1,230
2018-19 Financial Year Forecast				
CIPFA Standard Subjective	Hackney Carriages - Vehicles	Hackney Carriages - Drivers	Private Hire - Vehicles	Private Hire - Drivers
	£	£	£	£
Direct Employees	54,090	57,434	19,112	16,210
Indirect Employees (Non DBS)	603	673	233	190
Indirect Employees (DBS)	0	23,472	0	6,528
Transport Related	709	792	274	223
Unmet Demand Survey	6,000	0	0	0
Driver Assessments/Checks	0	2,347	0	653
Supplies and Services	8,546	9,546	3,298	2,690
Support Services	16,995	18,984	6,560	5,350
Management Overhead	19,634	21,932	7,578	6,181
Total Expenditure	106,578	135,181	37,054	38,024
Total Income	-104,855	-134,669	-33,543	-40,522
Total (Surplus) / Deficit	1,723	512	3,511	-2,498
2019-20 Financial Year Budget				
CIPFA Standard Subjective	Hackney Carriages - Vehicles	Hackney Carriages - Drivers	Private Hire - Vehicles	Private Hire - Drivers
	£	£	£	£
Direct Employees	55,172	58,583	19,494	16,534
Indirect Employees (Non DBS)	603	673	233	190
Indirect Employees (DBS)	0	23,472	0	6,528
Transport Related	709	792	274	223
Unmet Demand Survey	6,000	0	0	0
Driver Assessments/Checks	0	2,347	0	653
Supplies and Services	8,546	9,546	3,298	2,690
Support Services	17,335	19,364	6,691	5,457
Management Overhead	20,018	22,361	7,726	6,301
Total Expenditure	108,384	137,138	37,716	38,576
Total Income	-107,135	-137,008	-34,068	-41,321
Total (Surplus) / Deficit	1,249	131	3,648	-2,745
Total Three-Year (Surplus) / Deficit	3,358	-444	3,298	-6,473

Appendix 4 - Licence Fee Trading Accounts 2017-2020

Licence Fee - Three Year Accounts			
2017-18 Financial Year Actual			
CIPFA Standard Subjective	Sex Establishments	Street Trading (Legal)	Gambling Act
	£	£	£
Direct Employees	12,162	25,675	17,905
Indirect Employees	174	367	256
Transport	27	57	40
Supplies and Services	402	848	591
Support Services	12,699	26,810	18,696
Management Overheads	4,266	9,005	6,280
Total Expenditure	29,729	62,762	43,768
Total Income	-27,360	-60,592	-45,322
Total (Surplus) / Deficit	2,369	2,170	-1,554
2018-19 Financial Year Forecast			
CIPFA Standard Subjective	Sex Establishments	Street Trading (Legal)	Gambling Act
	£	£	£
Direct Employees	11,069	26,443	18,449
Indirect Employees	50	106	74
Transport	18	38	27
Supplies and Services	115	243	170
Support Services	13,646	22,546	15,723
Management Overheads	2,537	5,357	3,736
Total Expenditure	27,437	54,734	38,178
Total Income	-27,040	-56,580	-38,946
Total (Surplus) / Deficit	397	-1,846	-768
2019-20 Financial Year Budget			
CIPFA Standard Subjective	Sex Establishments	Street Trading (Legal)	Gambling Act
	£	£	£
Direct Employees	11,291	26,972	18,818
Indirect Employees	51	123	86
Transport	18	39	27
Supplies and Services	117	248	173
Support Services	13,646	22,546	15,723
Management Overheads	2,588	5,464	3,811
Total Expenditure	27,713	55,392	38,637
Total Income	-27,040	-56,580	-38,946
Total (Surplus) / Deficit	673	-1,188	-309
Total Three-Year (Surplus) / Deficit	3,439	-864	-2,630

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 18

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	29 November 2018		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 29-6659
	E-mail:	martin.seymour@brighton-hove.gcsx.gov.uk	
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is to update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between June 2018 and November 2018.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to take action as appropriate.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Legislation in relation to the Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 which applies to both hackney carriages and private hire vehicles is enforced by the local authority. Non-criminal enforcement can also be effected by means of action taken against the licence held by the person who has transgressed such as warnings, suspensions or revocations.
- 3.2 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. It is the responsibility of the applicant to satisfy the council that they are fit and proper and that they are safe and suitable to hold a licence.
- 3.3 The council can suspend, revoke or refuse a hackney carriage or private hire vehicles and/or driver licences. However, a driver licence cannot be suspended and then revoked at a later date such as at the conclusion of a prosecution. Other actions are available to officers such as verbal or written warnings which can be applied in line with the Councils [Licensing Enforcement Policy](#).
- 3.4 All cases are looked at on their own individual merit and if necessary such as in CSE cases multi agency meetings may be held to review available evidence. Legal

advice is sought where appropriate and all enforcement decisions are approved by the licensing manager/head of regulatory services. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was really serious and required immediate suspension then officers would come to members as soon as possible after they had taken action.

- 3.5 In addition to day-to-day enforcement work, officers carryout weekly out-of-hours enforcement work, normally at weekends and weekday evenings. This includes monitoring of hot spot areas for over and illegal ranking and plying for hire, vehicle inspections and occasional test purchase operations. General enforcement is essentially checking the vehicle is safe to be on the road and that the drivers details are correct. The officers are trained in vehicle inspection and checks could include a number of things illustrated on the check list in Appendix A. Primarily, it involves checking the tyres, lights, steering, suspension, as well as the general condition of the vehicle, livery and that the meter is working correctly.
- 3.6 Officers have been monitoring various locations and events including Orbital, Little Mix, Pride & Boundary Festival as well as general enforcement checks on vehicles and their drivers at ranks. Officers have continued to work with neighbouring Local Authorities and have carried out a joint operation with Officers from Portsmouth although there were few Portsmouth vehicles in the City on the day. An officer also attended a regional operation at Gatwick Airport with the Police, Immigration Officers, Customs Officer and the DVSA.
- 3.7 For actions taken against drivers / applicants between June 2018 and November 2018. See Appendix B

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. None.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1. This report is for information purposes only, so there are no financial implications.

Finance Officer Consulted: Michael Bentley Date: 15/10/18

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date:

Equalities Implications:

5.3 None.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. For information only.

BTEC Vehicle Inspection Programme

Vehicle Reg No _____

Mileage _____

Examining Officer _____

Private Hire ☐

Hackney Carriage ☐

Vehicle No _____

Badge No _____

Time Stopped _____

Date Stopped _____

Location _____



Exterior Lights Front	Serviceable	Unserviceable
Side Lights		
Headlights / Dip / Main		
Fog Lights Front		
Indicators N/S O/S + Hazards		
Exterior Front	Serviceable	Unserviceable
Condition Of bodywork + Number Plate		
Underbonnet Condition		
Oil / Brake / Steering Fluid		
Fluid Leakage		
N/S Front Tyre Depth Pressure		
N/S Wheel + Nuts		
N/S Suspension Leaking / Bounce		
N/S Wing Mirror		
O/S Front Tyre Depth Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
O/S Wing Mirror		
Steering Systems	Serviceable	Unserviceable
Amount of Free Play		
Condition of Gaitors		

Driver Interior / Exterior	Serviceable	Unserviceable
Condition of Steering Wheel		
View to Front and Side / Tints		
Seatbelts / Driver + Passenger		
Footbrake Operation + Slip Device		
Carpets / Wires / Obstructions		
Radio + PDA + Sta Navs		
ABS Warning + Other Warning Lights		
Handbrake Operation + Warning Light		
Seat Security		
Door + Window Operation (All)		
Signs / Fare Tables / Badges Etc		
Taximeter + Calibration		
O/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger + Centre Belt		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		

Rear Of Vehicle	Serviceable	Unserviceable
Side Lights		
Brake Lights + High Level / Central Lights		
Indicators N/S O/S + Hazards		
Rear Fog Lights		
Reversing Lights		
Number Plate Condition + Light		
Tailgate / Boot Operation		
Spare Wheel or Inflator Kit		
N/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
Additions	Serviceable	Unserviceable
Fire Extinguisher		
First Aid Kit		
Wipers / Washers / Horn		

Brief Report

General Condition of Vehicle

Good ☐
Average ☐
Poor ☐
Very Poor ☐

Defects likely to warrant suspension

Suspension Issued

Yes ☐ No ☐

Categorisation of Defects

Section _____

Page _____

I.M No _____

Note _____

Other Defects Noted _____

	Licence Type	Date	Brief Description of Case	Aggravating Factors:	Mitigating Factors:	Enforcement Action Taken:
1.	Dual HC/PH	06.06.2018	Disclosure on DBS – Caution for Common Assault	Failed to notify HCO at the time of caution	Lower end scale violence. Threw Glass of Beer at Partner	Warning letter issued
2.	Dual HC/PH	06.06.2018	Applicant does not meet DVLA Group 2 Medical Standard			Licence suspend pending results of satisfactory medical assessment
3.	Dual HC/PH	22.06.2018	Parked on Zig Zags at St Joseph's School, Davey Drive		Dropping passenger off at school collecting child and told to wait by father	Warning letter issued
4.	Lewes Driver	25.06.2018	Lewes Private hire vehicle waiting on taxi rank			Warning letter issued
5.	Hackney Carriage Driver Licence	16.07.2018	Non payment of Licence Fee			Licence revoked
6.	Hackney Carriage Driver Licence	16.07.2018	Non payment of Licence Fee			Licence revoked
7.	Dual HC/PH	24.07.2018	Spat at and was abusive to a passenger.	CCTV shows driver lowering passenger window and shouting out of the window and spat. Also shows vehicle being driven in an aggressive manner and sounding horn at passenger.	Passenger claims driver took a longer route normal and refused to pay the full amount on meter	Licence revoked
8.	First	31.07.2018	Cautions & Convictions relating	Latest conviction in 2018		Application

	Applicant		Class B Drugs			Refused
9.	Dual HC/PH	06.08.2018	Refusal to assist elderly person.	Driver stated that it was not his job to help passenger in & out and left passenger at restaurant.	Driver has since completed Disability Awareness Training	Licence Suspended 21 Days
10.	Dual HC/PH	07.08.2018	Removed property from purse left in vehicle		No previos complaints on drivers file	Licence Revoked
11.	Dual HC/PH	08.08.2018	Plying for Hire without a Hackney Carriage Proprietors Licence		Addmitted that there was no prior booking. No previous	Warning
12.	Dual HC/PH	15.08.2018	Applicant does not meet DVLA Group 2 Medical Standard			Licence suspend pending results of satisfactory medical assessment
13.	Dual HC/PH	23.08.2018	Applicant does not meet DVLA Group 2 Medical Standard			Licence suspend pending results of satisfactory medical assessment
14.	Private Hire Driver Licence	30.08.2018	Applicant does not meet DVLA Group 2 Medical Standard			Licence suspend pending results of satisfactory medical assessment
15.	Dual HC/PH	30.08.2018	Over loading and Overcharging	Claimed to have turned round to check numbers. CCTV shows this was not the case		Licence suspended 48hrs
16.	Dual HC/PH	04.09.2018	Applicant does not meet DVLA Group 2 Medical Standard			Licence suspend pending results of satisfactory

						medical assessment
17.	Dual HC/PH	11.09.2018	Plying for Hire without a Hackney Carriage Proprietors Licence		First Offence	Warning
18.	Dual HC/PH	25.09.2018	Driving a motor vehicle with excess alcohol	Road Traffic Collision with a taxis		Licence Revoked
19.	First Applicant	11.10.2018	Accused of sexual assault on young female	Previously Licensed	Case dropped by CPS	Application Refused
20.	First Applicant	31.07.2018	Conviction for Drink driving in 2015	Licence previously revoked on conviction		Application Refused
21.	Dual HC/PH	15.10.2018	Allegation of assault - using a licensed vehicle. Drove vehicle at passenger on pavement causing severe injury to passengers ankle.	Previously Refused	Dispute over payment involving another driver who originally picked up passengers.	Licence Revoked
22.	Dual HC/PH	16.10.2018	Applicant does not meet DVLA Group 2 Medical Standard			Licence suspended & renewal application refused
23.	Dual HC/PH	22.10.2018	Applicant does not meet DVLA Group 2 Medical Standard			Licence suspended & renewal application refused
24.	First Applicant	22.10.2018	8 Convictions showing on DBS. Also Community Resolution Orders & Non-molestation Order			Application Refused
25.	Dual HC/PH	26.10.2018	Driving a wheelchair accessible vehicle without the appropriate training.	Knew that it was required but did not arrange training	Only recently stated to drive vehicle.	Formal warning
26.	HCVL	26.10.2018	Allowed a driver to drive a	Knew that it was required	Only recently stated to	Formal warning

	Proprietor		wheelchair accessible vehicle without the appropriate training.	but did ensure driver was trained	drive vehicle.	
27.	Dual HC/PH	22.10.2018	Applicant does not meet DVLA Group 2 Medical Standard			Licence suspended & renewal application refused