



REPORT OF:	HEAD OF COMMUNITY SAFETY AND ENVIRONMENTAL HEALTH
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TO:	REGULATORY COMMITTEE
DATE:	17 JUNE 2009

AGENDA ITEM NO:	7	WARD(S) AFFECTED:	N/A
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SUBJECT:	REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY AND CONDITIONS
RECOMMENDATIONS: <ol style="list-style-type: none">To approve the changes to conditions as set out in Annex 4.To recommend to Council the adoption of the changes to policy as set out in Annex 5.	
SUMMARY <ol style="list-style-type: none">The Committee is being asked to approve the new and revised taxi and private hire licensing conditions and to recommend changes in policy to Full Council as part of the Policy Framework.	

The Regulatory Committee has authority to determine recommendation 1 above.

Recommendation 2 stands referred to full Council.

BACKGROUND

- On 16th December 1999 the Council recommended that all policies and conditions with regard to vehicle etc licensing be reviewed every 3 years. Conditions were comprehensively reviewed in 2005-06. Since this time the Council's Licensing Officers have recorded any requests, suggestions and changes in legislation to be considered.
- These suggested changes and requests were presented to a Policy Advisory Group (PAG) on 12 January 2009 for consideration together with the Department for Transport (DfT) best practice guidance in relation to the licensing of Taxis and Private Hire issued in October 2006. Membership of the PAG consisted of Councillors S. Farrer, G. Crome, Mrs N. Bramhall, Ms A. Berridge, Dr L. Hack, G. Norman and S. Bramhall.

3. The PAG agreed on:
 - the timetable for the review.
 - the areas requiring consultation for which the questionnaire at Annex 1 was produced.
 - changes that could be dealt with administratively (for example changes to wording or to reflect newer legislation)
 - changes that should not be pursued. (These were either impractical or dealt with under different legislation)
4. The consultation commenced at the beginning of February and ended on 6 April 2009. All of the Council's licensed trade received a letter inviting them to take part in the survey electronically or by post on request. In addition the consultation was placed in a prominent area of the Council's website and a press release issued inviting participation. Letters were sent to various stakeholders including transport, disability and business groups inviting them to take part. The Overview and Scrutiny Committee were invited to comment at their meeting of 12 March 2009.
5. The Council received 239 responses that were circulated in full to the PAG on 17 April 2009. The PAG met on 28 April 2009 to discuss the consultation results in detail together with comments from Executive members and the Overview and Scrutiny Committee with a view to making a recommendation to the Regulatory Committee. The summary of those comments that were considered by the PAG is shown at annex 2. The minutes of this meeting that includes the PAG's recommendations is at Annex 3. (Those recommendations are also incorporated into Annexes 4 and 5 that include other issues.)

FACTORS FOR CONSIDERATION

6. The changes recommended by the PAG have been separated into two distinct groups, those that are conditions that can be approved by the Regulatory Committee and those that are Policy that can only be approved by full Council.
7. The new and amended policies for consideration of recommendation are attached in the table at annex 4.
8. The new and amended conditions for consideration of approval are attached at Annex 5.
9. The PAG identified areas within the consultation that require further investigation before implementation. Suggested dates for implementation can be seen in annex 6.

RESOURCE IMPLICATIONS

10. When the PAG considered the results of the survey, financial implications were taken into account in making a recommendation for the new and amended policies and conditions.

11. Implications identified to the Council are in terms of Officer time and resource and can be broken down as follows.

- One off set up items
 - i. Identify and liaise with the UK Border Agency and relevant foreign embassies to ensure quality and authenticity of information provided in support of an application.
 - ii. Liaise and formalise an arrangement for driver testing with the DSA.
 - iii. Set up and implement penalty point scheme.
- Ongoing items
 - i. Time taken for extra checks with the UKBA.
 - ii. Managing penalty point scheme.

12. The initially identified financial implications to the trade are broken down as:

- One off costs
 - i. Charge by embassies for good conduct certification where required.
 - ii. DSA driving test where required.

13. There have also been cost benefits identified for the trade including

- i. Ability to use more energy efficient vehicles.
- ii. Greater choice of vehicles available to the trade.

14. Benefits to the Council are gained with further officer delegation which is intended to provide the necessary additional time required for the extra work required as a result of the proposed changes to policy and conditions.

15. More detailed information on specific resource implications can be found within annexes 4 and 5

LEGAL IMPLICATIONS

16. The Local Government (Miscellaneous Provisions) Act 1976 allows any person aggrieved by conditions imposed on a licence granted to them, a right of appeal under sections 47(3) for Hackney Carriages, s48(7) for Private Hire Vehicles, s52(2) for Private Hire Drivers and s55(4) for Private Hire Operators.

17. Legal comments on the individual policies and conditions can be seen within annexes 4 and 5.

STATUTORY POWERS

18. The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976) allows Local Authorities to attach such conditions as it considers reasonably necessary to licences for Hackney Carriage Vehicles (s47(1)), Private Hire Vehicles (s48(2)), Private Hire Drivers (s51(2)) and Private Hire Operators (s55(3)).
19. Hackney Carriage Driver Licences are subject to Byelaws made under Section 68 of The Town and Police Clauses Act 1847 and Section 171 of The Public Health Act 1875. This review did not seek to make changes to those Byelaws however, the licences issued to Hackney Carriage Drivers are dual licences to drive both Hackney Carriages and Private Hire Vehicles. As such the conditions attached to Private Hire Driver Licences under s51(2) LG(MP)A 1976 apply.

CONCLUSIONS

20. The Committee is being asked to approve the new and revised taxi and private hire licensing conditions and to recommend changes in policy to Full Council shown in Annex 4 and 5 respectively as part of the Policy Framework
21. The new and amended policies and conditions are intended to improve those that are currently in place without being overly burdensome and restrictive. When determining appropriate conditions the PAG considered the responses from the consultation alongside the Guidance issued by the DfT and the limitations on Council resource.

Background Papers:	DfT Best Practice Guidance for Private Hire and Taxi Licensing.
	Existing Licensing Policy and Conditions for Private Hire Drivers, Vehicles and Operators
	Existing Licensing Policy, Conditions and Byelaws for Hackney Carriage Proprietors and Drivers

- Annex 1 Consultation questionnaire.
- Annex 2 Summary of comments from consultation
- Annex 3 Minutes of Policy Advisory Group meeting of 12 March 2009.
- Annex 4 PAG recommended changes to Policies with legal comments.
- Annex 5 PAG recommended changes to Conditions with legal comments.
- Annex 6 Timetable of implementation.

Hackney Carriage & Private Hire Review of policies and conditions

We would like your views on suggested changes to the policies and conditions which are proposed within this questionnaire.

Please use the spaces provided if you would like to add any comments, or disagree on the changes and would like to make alternative suggestions. Please use additional sheets if needed.

A pre-paid envelope is enclosed for return of completed questionnaire by no later than **Monday 6th April**, to:

**Licensing Section
Reigate & Banstead Borough Council
Town Hall
Reigate
Surrey
RH2 0SH.**

About you

Name:

Address:

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Please tick any that apply to you:

- | | | | |
|-----------------------------|--------------------------|-------------------------|--------------------------|
| Private Hire Operator | <input type="checkbox"/> | Private Hire Driver | <input type="checkbox"/> |
| Hackney Carriage Proprietor | <input type="checkbox"/> | Hackney Carriage Driver | <input type="checkbox"/> |
| Member of the Public | <input type="checkbox"/> | Transport Group | <input type="checkbox"/> |

If replying on behalf of organisation, association or company, please give its name:

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Data Protection Act 1998. Reigate & Banstead Borough Council will act as Data Controller in respect of your personal data held. We will process the personal data you have provided only for the purpose of reviewing the Hackney Carriage and Private Hire policies and conditions.

Q1 Driver Applications

The UK Border Agency (UKBA) determines and enforces the entitlement of foreign nationals from outside the EU to work in this country. Permission to work depends on individual circumstances and varies from person to person. Should this Authority also check a person's entitlement to work in this Country before issuing a private hire or taxi driver licence by requesting additional original documentation such as passports and entitlement cards then checking these with the UKBA?

Yes No

Please give your reasons for your answers and any further comments and suggestions.

Q2 Driver Applications

In addition to the extra checks above, should applications from foreign nationals be supported by a certified 'certificate of good conduct' from their relevant embassies if they have been in this country for less than 5 years?

Yes No

Further comments and suggestions.

Q3 Driving Standards

The Driving Standards Agency (DSA) have a specific practical driving test for taxi and private hire drivers that reflects modern driving practices and conditions. The standard is set higher than the learner driver test and includes specific elements relating to the safe conveyance of passengers.

1. Should taxi and private hire vehicle drivers who receive regular complaints for poor driving be required to undertake an official taxi driving test with the DSA?
2. Should only NEW drivers undertake the DSA taxi driving test?
3. Should all EXISTING drivers undertake the DSA taxi driving test?

Yes No

Yes No

Yes No

Please give your reasons for your answers and any further comments and suggestions.

Q4 Driver Conduct

Should the Council introduce a penalty point scheme for drivers who do not adhere to the conditions of their licence to promote better driving and raise standards?

Yes No

Further comments and suggestions.

Q5 Taxi Identification

Can you recognise a **taxi** licensed by Reigate and Banstead Borough Council?

Yes No

Further comments and suggestions.

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Q6 Private Hire Vehicle Identification

Should private hire vehicles display signage indicating the vehicle should be pre-booked only with standard door signs showing operator name and telephone number?

Yes No

Further comments and suggestions.

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Q7 Taxis and Private Hire Vehicles

This Authority only licenses vehicles for the first time provided they are under 4 years old and continues to renew the licence (with certain exceptions) until they reach 7. What upper age limit do you feel is acceptable for a vehicle being licensed for the **first** time?

4 years 5 years 6 years No restriction

Further comments and suggestions.

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Q8 Taxis and Private Hire Vehicles

1. Should the Council encourage the use of energy efficient vehicles by reducing the minimum engine size for vehicles from 1600cc?
2. What engine size do you consider suitable for use as a taxi or private hire vehicle?

Yes No

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Further comments and suggestions.

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Q9 Taxis and Private Hire Vehicles

Certain vehicles such as people carriers do not meet the Council's requirements for minimum bench seat sizes for three passengers at the very back of the vehicle. This Authority requires that the width of seats designed for three passengers should be at least 127cm at the widest point. Should the Council continue with this requirement in the interests of passenger comfort or should the Council license vehicles to the manufacturers specifications instead?

Continue with size requirement Licence vehicles as per manufacturers specification

Further comments and suggestions.

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Minutes of Policy Advisory Group Meeting to discuss results of Licensing taxi and private hire conditions review 28 April 2009, Back Committee Room 7.30 pm.

Cllr S Farrer (Chairman), Cllr Mrs N Bramhall, Cllr G Norman, Cllr G Crome, Cllr Bramhall.

Officers: Mrs Di Mitchell, Licensing Manager, Mr Ben Murray, Senior Licensing Officer.

The Chairman opened the meeting with a statement outlining the aims of the meeting and the criteria that should be applied when considering the results of the consultation. Information was given to the group about the consultation and the number of respondents. Copies of all of the comments received were available together with the existing conditions and the questionnaire from the consultation itself.

A document had been produced by officers that summarised the responses and added comments from the Overview and Scrutiny Committee, the Council's legal team, best practice guidance issued by the Department for Transport and comments from officers on cost implications and other relevant issues.

The Chairman indicated the group should go through this document question by question in detail noting and discussing the risks and benefits of any recommendation.

The PAG agreed to make the following recommendations to the regulatory Committee having discussed each question in detail.

- 1. The UK Border Agency (UKBA) determines and enforces the entitlement of foreign nationals from outside the EU to work in this country. Permission to work depends on individual circumstances and varies from person to person. Should this Authority also check a person's Entitlement to work in this country before issuing a private hire or taxi driver licence by requesting additional original documentation such as passports and entitlement cards and then checking these with the UKBA?***

Recommend that foreign nationals' right to work in the UK is checked with the UKBA before issuing or renewing a private hire or hackney carriage driver's licence and that the Council's officers set up a scheme in consultation with the UKBA to ensure the appropriate questions are asked of the applicant and of their prospective employers.

Reason: to ensure that only fit and proper persons are being given licences and to assist in the prevention of subsequent breaches of immigration law.

- 2. In addition to the extra checks above, should applications from foreign nationals be supported by a certified 'certificate of good conduct' from their relevant embassies if they have been in this country for less than 5 years.***

Recommend that the ability to undertake these checks is given to Council officers in accordance with a policy of who the extra checks will apply to is determined.

Reason: to enable the Council's officers to undertake these checks where reasonably necessary whilst recognising the difficulty in obtaining such documentation for certain applicants.

3. *The Driving Standards Agency (DSA) have a specific practical driving test for taxi and private hire drivers that reflects modern driving practices and conditions. The standard is set higher than the learner driver test and includes specific elements relating to the safe conveyance of passengers.*

- a. *Should taxi and private hire drivers who receive regular complaints of poor driving be required to undertake an official taxi driving test with the DSA?*

Recommend that drivers who receive regular complaints of poor driving be required to undertake a specific taxi drivers test with the DSA.

Reason: to assist with the training and improvement of drivers who have been found lacking, in the interests of public safety and overall service.

- b. *Should only NEW drivers take the DSA taxi driving test?*

Recommend that this question is raised at the next major review of conditions with evidence gained from the test applied to the drivers who have been required to undertake the test through poor driving.

Reason: the PAG considered the costs involved in setting up and managing this scheme in the current climate may be a barrier to entry into the trade but would like the matter to be considered again in the next review.

- c. *Should all EXISTING drivers undertake the DSA taxi driving test?*

Recommend that this is not pursued at this stage but to be re-visited at the next major review of conditions.

Reason: the PAG considered the scheme in part a) of this question deal with the current drivers who receive complaints of poor driving but would like the matter to be considered again at the next review.

4. *Should the Council introduce a penalty points scheme for drivers who do not adhere to the conditions of their licence to promote better driving and raise standards?*

Recommend that a penalty point scheme is set up after officers undertake further research into the legal and administrative detail.

Reason: to promote better driving, to raise standards and to ensure licence holders adhere to the conditions placed upon their licences

5. *Can you recognise a taxi licensed by Reigate and Banstead Borough Council?*

Recommend that the current conditions regarding vehicle identification are maintained.

Reason: there was no evidence to suggest that any change was necessary.

6. *Should private hire vehicles display signage indicating the vehicle should be pre booked only with standard door signs showing operator name and telephone number?*

Recommend that the current conditions regarding vehicle identification are maintained.

Reason: while there was evidence that the public would like to have this signage applied to private hire vehicles the PAG heard that there was no evidence to suggest that private hire vehicles were picking up non pre-booked passengers. The PAG considered the necessary work involved in extra research and consultation was not commensurate with the benefits achieved.

7. *This Authority only licenses vehicles for the first time provided they are under 4 years old and continues to renew the licence (with certain exceptions) until they reach 7. What upper age limit do you feel is acceptable for a vehicle being licensed for the first time?*

Recommend that the current age restrictions are maintained with delegation being given to the Council's officers to determine applications for exceptional vehicles up to 5 years old.

Reason: the PAG recognised the majority of both the trade and public were in favour of maintaining the current restrictions regarding vehicle age. The PAG were also aware of the number of time consuming applications to Committee for exceptional vehicles. The group felt that giving the Council officers delegated authority to determine those applications would free up valuable officer time for other more pressing matters.

8. *Should the Council encourage the use of energy efficient vehicles by reducing the minimum engine size from 1600cc*

Recommend that the Council should encourage the use of energy efficient vehicles by introducing a minimum engine size lower than 1600cc based on further research into power and size.

Reason to promote the Council's environmental credentials and to give an increased choice of vehicles to proprietors.

9. *Certain vehicles such as people carriers do not meet the Council's requirements for minimum bench seat sizes for three passengers at the very back of the vehicle. This Authority requires that the width of seats designed for three passengers should be at*

least 127cm at the widest point. Should the Council license vehicles to the manufacturer's specifications instead?

Recommend no change to the current seat width requirement.

Reason: the responses from the consultation did not produce a clear direction therefore the group felt that passenger comfort should be maintained.

	Suggested change to Policy	PAG Recommendations	Wording of policy	Legal Comment	Resource Implications
1	Check applicant has the right to work in the UK	Recommend that foreign nationals' right to work in the UK is checked with the UKBA before issuing or renewing a private hire or hackney carriage driver's licence and that the Council's officers set up a scheme in consultation with the UKBA to ensure the appropriate questions are asked of the applicant and of their prospective employers.	(HC and PH) Applicants must provide original documentation approved by the UK Border Agency to show that they are legally entitled to work in the UK.	As a statutory and Regulatory body it is good practice to ensure licences are given to those who are entitled to work in the UK. Section 17 (1) of the Crime and Disorder Act states "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area." This policy should apply to all applicants to satisfy the Human Rights and Race Relations Act duty and requirements.	One off to set up scheme in conjunction with UKBA, guidance to applicants and operators and amendments to application forms. Approx 15 minutes of extra officer time per applicant who has provided correct information. Applicants who do not provide the correct information will take considerably longer.
			(Operators) Operators who employ drivers with work permits that limit work to a certain number of hours, must confirm in writing that they are employed with	As above	One off to create Guidance to Operators

	Suggested change to Policy	PAG Recommendations	Wording of policy	Legal Comment	Resource Implications
			that company and that they have copied the relevant documents required to prove the driver has the right to work in the UK. This information will be forwarded to the relevant agency.		
2	Require all new applicants to present their passports as identity documents	Agree	Applicants for private hire and hackney carriage driver licences must present their current, valid passports as identity documents on application and renewal. (Applicants who do not hold passports should contact the licensing officer to discuss acceptable alternatives)	This will further confirm identity and help to ensure that persons who have limited leave to remain in the UK have up to date permits and visas. In addition by asking this of all applicants the authority is avoiding unlawful discrimination while helping to prevent illegal working.	Nil
3	Require a certificate of good conduct for foreign nationals applying to become	Recommend that the ability to undertake these checks is given to Council officers in accordance with a policy of who the extra checks will apply to.	Applicants may be required to provide a certified certificate of good conduct from previous countries of residence and a certified translation in the prescribed format at	The ability to ask for this information where necessary would be a useful addition to check an applicant's previous conduct overseas.	Nil to Council. Applicants who are required to undertake extra checks may have to pay a fee to their relevant embassies for this information.

	Suggested change to Policy	PAG Recommendations	Wording of policy	Legal Comment	Resource Implications
	drivers from their respective embassies		the request of the licensing officer.		
4	Ensure Independent Safeguard Authority (ISA) scheme is included within Council Conditions	Confirmed licensed drivers should be registered with relevant agencies where required by legislation	Licence holders must be registered with relevant schemes put in place by government legislation when required.	Ensure Policy and Conditions allow for immediate compliance with future legislation	Nil to Council, cost to applicant where applicable.
5	Require drivers with poor medical history/no gp etc to attend nominated medical centre at applicant's expense	Agree	Further research required	The ability to require certain applicants to attend a nominated practice to undertake a medical would be a useful tool to assist in providing an assessment of the applicant's medical status	Initial set up by officers then cost is to applicant.
6	Consider climate change issues in vehicle selection, Remove	Recommend that the Council should encourage the use of energy efficient vehicles by introducing a minimum engine size	Engine Capacity: Minimum 1600cc. Vehicles with engines smaller than 1600cc will be considered for licensing provided evidence from	Reducing the minimum engine size would be in line with the Council's Sustainable Energy Strategy.	Nil to Council. May represent a saving to vehicle proprietors with greater choice of vehicle and less associated running

	Suggested change to Policy	PAG Recommendations	Wording of policy	Legal Comment	Resource Implications
	minimum engine size from 1600 cc and replace with power output or green credentials/hybrid etc	lower than 1600cc based on further research into power and size.	the manufacturer is supplied that shows the vehicle can produce at least 75 bhp (55Kw) without modification from original specification. Hybrid vehicles must be able to provide this power from one source only.		costs.
8	Consider removal of under 4 year old vehicle at first licensing	Recommend that the current age restrictions are maintained with delegation being given to the Council's officers to determine applications for exceptional vehicles up to 5 years old.	The age of a vehicle when licensed for the first time must be less than 4 years from date of first registration. An exceptional vehicle may be considered for first licensing only, provided it is less than 5 years from date of first registration. An "exceptional" vehicle includes London type taxis, wheelchair accessible vehicles and high specification executive vehicles.	Recent Committee work has seen a number of exceptional vehicles over 4 years old being licensed by the committee. It may be viable to grant officer delegation to the Head of Community Safety & Environmental Health to grant such licenses where exceptional criteria is satisfied e.g. luxury high spec or very low mileage etc. It would be good practice to specify the exceptional criteria which can be a guide to Applicants.	Represents a saving in resource in terms of several hours work taken for each report to regulatory committee. Also represents a saving to the trade in a greater choice of vehicles
9	Knowledge test must be	Agree	Applicants who have not passed their knowledge	No comment	Nil

	Suggested change to Policy	PAG Recommendations	Wording of policy	Legal Comment	Resource Implications
	passed and badge issued within 6 months of completion of CRB?DVLA?M medical checks		test within 6 months of receiving a satisfactory Enhanced Disclosure Report from the CRB will be required to re-apply		
11	Adopt DfT best practice guidance relating to Diabetes	Agreed	The Council Requires all drivers to meet a high medical standard which is the same as the current DVLA Group 2 medical standard for vocational drivers. Applicants with Insulin treated Diabetes with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence considered provided they meet the requirements of the relevant current DVLA C1 medical requirements.		Nil

	Suggested change to Policy	PAG Recommendations	Wording of policy	Legal Comment	Resource Implications
12	Consider issue of dual plating vehicles	Agree that confusion could be caused when two plates are displayed.	Vehicles may not display a licence plate, disc, sticker or other identification issued by any other Authority when licensed by Reigate and Banstead Borough Council.		Nil to Council. Vehicle proprietors may have to surrender other Authorities licences without refund
13	Specific conditions for the licensing of limousines	Agreed	Limousines will not be licensed unless the vehicle complies with the latest construction and registration guidance issued by VOSA/DfT		Nil to Council.
14	Request to make the knowledge test tougher	Agreed with further research			Initial set up and research.
15	Make it clear that extra fee payable on kn retake every time	Agreed	The application fee includes one knowledge test, any retakes will be charged for at the current rate.	No comment	Nil
16	Change phraseology from "own Doctor" to "a Doctor from	Agreed	Replace "...own doctor.." with "...a registered General Practitioner from the practice at which you are registered..."	No comment	Nil

	Suggested change to Policy	PAG Recommendations	Wording of policy	Legal Comment	Resource Implications
	the practice where you are registered"				
18	Reword 65 years phrase to "renewals and new applications for those who are 65 or over at time of application will require a medical report on an annual basis"	Agreed	Use" renewals for applicants who reach 65 on or before expiry of their current licence and new applications for those who are 65 or over at time of application will require a medical report on an annual basis"	No comment	Nil
19	Amend medical so Doctor confirms G2 requirements met	Agreed	Insert into Medical form Section 7 "I have checked this additional information provided against the latest Group 2 fitness guidance from the DVLA (www.dvla.gov.uk) and the applicant does/does not meet those requirements. Signed <i>GP signature</i> . Date	Applicant's GP becomes liable in stating the applicant meets group 2 requirements.	Nil

	Suggested change to Policy	PAG Recommendations	Wording of policy	Legal Comment	Resource Implications
20	Require owner to come in for transfer of Licence	Agreed	Vehicle proprietors are required to make an appointment with the licensing officer when a vehicle is to be transferred.	No comment	Nil
21	Add sentence requiring driver to contact office at least ??? Weeks in advance of licence expiry for vehicles over 7 yrs	Agreed	Add " Applicants must present exceptional vehicles to the licensing officer for consideration of renewal at least 8 weeks prior to the expiry of the current licence."	This ensures that proprietors have sufficient notice to purchase a new vehicle before expiry of the current licence and in cases where there is a very minor improvement to be made, this can be undertaken in good time.	Nil to Council. An early inspection may be chargeable to the applicant but they will benefit by not losing out on work where a new vehicle is purchased on time.
22	Reconsider "solid roof" condition to allow for glass roofed vehicles	Agreed	Vehicle roof must be constructed of solid watertight material e.g metal and/or glass. Convertibles or soft-tops will not be permitted but opening sunroofs may be allowed if not in excess of 50% of the roof area.	No comment	Nil
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	Suggested change to Conditions	PAG Recommendations	Wording of condition	Legal Comment	Resource Implications
1	Require notification of cautions as well as convictions during course of driving licence	Agree	The driver shall within seven days disclose to the Council in writing details of any conviction, caution or warning including motoring offences imposed on him/her during the period of the licence.	Will enable officers to act immediately if necessary and will also reveal cautions and warnings that are not declared but subsequently received through the normal checks	Nil
2	Request to require existing drivers to undertake DSA test where regular complaints of poor driving are received	Recommend that drivers who receive regular complaints of poor driving be required to undertake a specific taxi drivers test with the DSA.	Drivers who receive complaints of poor and or inconsiderate driving will be required to undertake a practical taxi driving test at their own expense with the Driving Standards Agency within two months of notification.	The ability to test drivers who regularly come to the attention of the Council because of their non compliance with driving requirements would be good practice that may encourage consistently good driving. Testing new drivers may be seen as putting barriers in front of applicants. Testing all existing drivers would be unreasonable in terms of cost and	Initial set up with DSA, thereafter cost is to subject of test.

	Suggested change to Conditions	PAG Recommendations	Wording of condition	Legal Comment	Resource Implications
				time on the majority of drivers who are perfectly good.	
3	Require new drivers to undertake a practical DSA test specific to taxi/private hire driving	Recommend that this question is raised at the next major review of conditions with evidence gained from the test applied to the drivers who have been required to undertake the test through poor driving	N/A		
4	Require drivers to notify of any change in medical condition while licence is in force	Agreed	Any changes in a driver's medical condition covered by the DVLA Group 2 medical standard during the course of the driving licence shall be notified to the licensing officer within seven days of diagnosis.		Nil
6	Consider accessibility for wheelchair users, current position and lead in time once government proposals are confirmed	Agreed	On a date to be notified by central government, proprietors of Hackney Carriages that are not wheelchair accessible must replace them with ones that are wheelchair accessible when that vehicle is due to be changed next or within time limits set by	This condition will remain dormant until dates have been set by central Government.	Nil to Council. Taxi proprietors will face increased costs in terms of vehicle outlay however, vehicles with European Whole Vehicle Type

	Suggested change to Conditions	PAG Recommendations	Wording of condition	Legal Comment	Resource Implications
			legislation, if sooner.		Approval are able to continue to be licensed for a further 2 years compared to non wheelchair accessible vehicles.
9	Require private hire vehicles (PHV) without plate exemption to display "pre booked only" or similar on front doors together with operator name and number / Consider current door sign size issues.	Recommend that the current conditions regarding vehicle identification are maintained.			
10	Consider introduction of penalty scheme for receiving driving licence points or a "how am I driving hotline number" etc	Recommend that a penalty point scheme is set up after officers undertake further research into the legal and administrative detail.	Drivers who accrue 12 or more penalty points in any 18 month period in accordance with the following schedule of points will be required to appear before the Regulatory Committee to determine their suitability as a fit and proper person.	Officers would need to implement a procedure that could ensure that the complaints being received were not fabricated by other licence holders. The scheme would have to be implemented through consultation	Initial set up includes setting up the proposed scheme, consulting with the trade bodies and liaising with the Council's IT department to ensure information is accurately recorded and

	Suggested change to Conditions	PAG Recommendations	Wording of condition	Legal Comment	Resource Implications
				with trade bodies and firm guidelines made for administering the points to drivers.	reported upon. Ongoing administration of the scheme will require additional officer time as will taking individuals on to committee when required.
11	Consider issue of dual plating vehicles	Agree that confusion could be caused when two plates are displayed.	Vehicles may not display a licence plate, disc, sticker or other identification issued by any other Authority when licensed by Reigate and Banstead Borough Council.		Nil
12	Amend condition to reflect current smoking legislation	agreed	It is illegal to smoke, or to allow anyone to smoke in a private hire vehicle or taxi at any time whether being used for work or not.	While this is already primary legislation a statement such as this will help to clarify the position.	Nil
13					

Wording of policy/condition	Where Policy/Condition will appear	Work required	Implementation Date
(HC and PH) Applicants must provide original documentation approved by the UK Border Agency to show that they are legally entitled to work in the UK.	Private hire driver	Liase with UKBA Compile Guidance and information Amend policy	1 September 2009
(Operators) Operators who employ drivers with work permits that limit work to a certain number of hours, must confirm in writing that they are employed with that company and that they have copied the relevant documents required to prove the driver has the right to work in the UK. This information will be forwarded to the relevant agency.	Private Hire Operator	Compile Guidance and information Amend policy	1 September 2009
Applicants for private hire and hackney carriage driver licences must present their current, valid passports as identity documents on application and renewal. (Applicants who do not hold passports should contact the licensing officer to discuss acceptable alternatives)	Private hire driver	Amend Policy	1 September 2009
Applicants may be required to provide a certified certificate of good conduct from previous countries of residence and a certified translation in the prescribed format at the request of the licensing officer.	Private hire driver	Amend policy	1 September 2009
Licence holders must be registered with relevant schemes put in place by government legislation when required.	Private hire driver	Amend policy	1 September 2009
Engine Capacity: Minimum 1600cc. Vehicles with engines smaller than 1600cc will be considered for licensing provided evidence from the manufacturer is supplied that shows the vehicle can produce at least 75 bhp (55Kw) without modification from original specification. Hybrid vehicles must be able to provide this power from one source only.	Private Hire vehicle Hackney carriage vehicle	Amend policy	1 September 2009
The age of a vehicle when licensed for the first time must be less than 4 years	Private Hire Vehicle	Amend Policy	1 September 2009

Wording of policy/condition	Where Policy/Condition will appear	Work required	Implementation Date
from date of first registration. An exceptional vehicle may be considered for first licensing only, provided it is less than 5 years from date of first registration. An "exceptional" vehicle includes London type taxis, wheelchair accessible vehicles and high specification executive vehicles.	Hackney carriage Vehicle		
Applicants who have not passed their knowledge test within 6 months of receiving a satisfactory Enhanced Disclosure Report from the CRB will be required to re-apply	Private Hire Driver	Amend Policy	1 September 2009
The Council Requires all drivers to meet a high medical standard which is the same as the current DVLA Group 2 medical standard for vocational drivers. Applicants with Insulin teated Diabetes with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence considered provided they meet the requirements of the relevant current DVLA C1 medical requirements.	Private hire driver	Amend wording to reflect Taxi/PHV and Amend Policy	1 September 2009
Vehicles may not display a licence plate, disc, sticker or other identification issued by any other Authority when licensed by Reigate and Banstead Borough Council.	Private Hire vehicle Hackney carriage vehicle	Amend Policy	1 September 2009
Limousines will not be licensed unless the vehicle complies with the latest construction and registration guidance issued by VOSA/DfT	Private Hire vehicle	Amend Policy	1 September 2009
The application fee includes one knowledge test, any retakes will be charged for at the current rate.	Private hire driver	Amend Policy	1 September 2009
Replace "...own doctor.." with "...a registered General Practitioner from the practice at which you are registered..."	Private hire driver	Amend Policy	1 September 2009
Use"renewals for applicants who reach 65 on or before expiry of their current	Private hire driver	Amend Policy	1 September 2009

Wording of policy/condition	Where Policy/Condition will appear	Work required	Implementation Date
licence and new applications for those who are 65 or over at time of application will require a medical report on an annual basis"			
Insert into Medical form Section 7 "I have checked this additional information provided against the latest Group 2 fitness guidance from the DVLA (www.dvla.gov.uk) and the applicant does/does not meet those requirements. Signed <i>GP signature</i> . Date	Private hire driver	Amend Medical Form	1 September 2009
Vehicle proprietors are required to make an appointment with the licensing officer when a vehicle is to be transferred.	Private Hire vehicle Hackney carriage vehicle	Amend Policy	1 September 2009
Add "Applicants must present exceptional vehicles to the licensing officer for consideration of renewal at least 8 weeks prior to the expiry of the current licence."	Private Hire vehicle Hackney carriage vehicle	Amend Policy	1 September 2009
Vehicle roof must be constructed of solid watertight material e.g metal and/or glass. Convertibles or soft-tops will not be permitted but opening sunroofs may be allowed if not in excess of 50% of the roof area.	Private Hire vehicle Hackney carriage vehicle	Amend Policy	1 September 2009
The driver shall within seven days disclose to the Council in writing details of any conviction, caution or warning including motoring offences imposed on him/her during the period of the licence.	Private hire driver	Amend Condition	1 September 2009
Drivers who receive complaints of poor and or inconsiderate driving will be required to undertake a practical taxi driving test at their own expense with the Driving Standards Agency within two months of notification.	Private hire driver	Liaise with DSA to ensure capability to undertake tests. Incorporate into penalty points scheme Amend Condition	1 March 2010
Any changes in a driver's medical condition covered by the DVLA Group	Private hire driver	Amend Condition	1 September 2009

Wording of policy/condition	Where Policy/Condition will appear	Work required	Implementation Date
2 medical standard during the course of the driving licence shall be notified to the licensing officer within seven days of diagnosis.			
On a date to be notified by central government, proprietors of Hackney Carriages that are not wheelchair accessible must replace them with ones that are wheelchair accessible when that vehicle is due to be changed next or within time limits set by legislation, if sooner.	Private Hire vehicle Hackney carriage vehicle	Amend Condition	1 September 2009
Drivers who accrue 12 or more penalty points in any 18 month period in accordance with the following schedule of points will be required to appear before the Regulatory Committee to determine their suitability as a fit and proper person.	Private hire driver	Consultation with trade bodies. Determine schedule of points Set up IT systems Amend Condition	1 March 2010
Vehicles may not display a licence plate, disc, sticker or other identification issued by any other Authority when licensed by Reigate and Banstead Borough Council.	Private Hire vehicle Hackney carriage vehicle	Amend Condition	1 September 2009
It is illegal to smoke, or to allow anyone to smoke in a private hire vehicle or taxi at any time whether being used for work or not.	Private Hire vehicle Hackney carriage vehicle	Amend Condition	1 September 2009