

Outcome of the Consultation on the Draft Hackney Carriage and Private Hire Licensing Policy 2022 - 2027

The consultation was published on the Council's Consultation and Engagement Hub and on the Public Protection Partnership website.

A notification was also sent out to 1231 people on the Community Panel.

We wrote to:

- (a) Persons or bodies representative of holders of local hackney carriage, private hire driver vehicle and operators licences together with individual licensees;
- (b) Persons or bodies representative of businesses and residents in its area;
- (c) Home to School Transport Teams in the Authority;
- (d) West Berkshire Safeguarding Children Board
- (e) West Berkshire Safeguarding Adults Board;
- (f) Local residents and community associations, together with individual residents;
- (g) Parish and Town Councils;
- (h) Thames Valley Police;
- (i) All Members of West Berkshire Council;
- (j) Meter Agents;
- (k) West Berkshire authorised vehicle testing Garages.

The consultation ran from the 13 July 2022 to the 04 October 2022.

We received 29 responses on the form published on the Consultation Hub. Of those respondents:

- 4 respondents identified themselves as WBC Licensed Hackney Carriage/Private Hire Drivers;
- 2 respondents identified themselves as WBC Town/Parish/District Council or Councillors;
- 1 respondent identified themselves as WBC Council Officer/Team (Transport Services);
- 1 respondent identified themselves as Public Sector Authority (not identified);
- 19 respondents identified themselves as West Berkshire Residents;
- 2 respondents identified themselves as 'other'. (member of the public and private citizen)

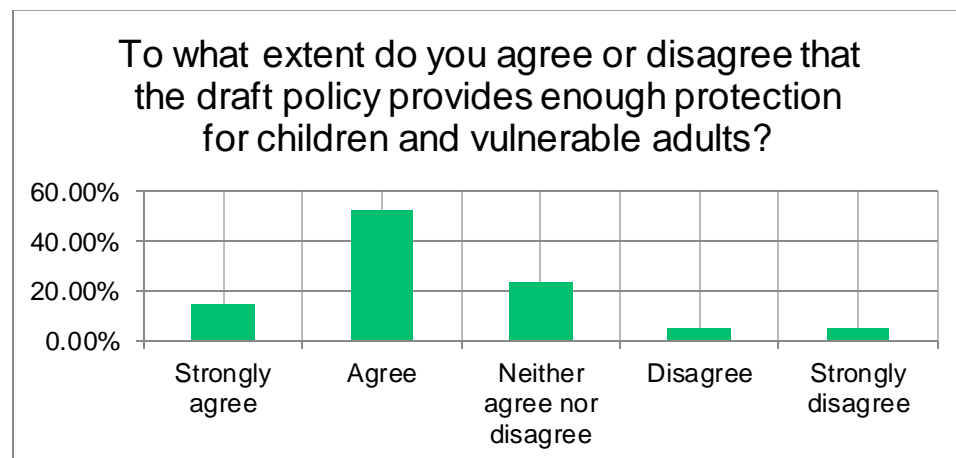
We received four responses sent directly to the Partnerships Consultation Mailbox. These responses were submitted by the West Berkshire Council’s Transport and Parking Services Manager, Newbury Town Council’s Highways and Planning Committee, a detailed response from a taxi driver which is referred to in the table but due to its length is set out in [Annex A](#) to this report and a further response from a member of the trade. These comments are set out in [Table 1](#) below.

In addition a series of Taxi Trade Liaison Group meetings have been held to go through the comments received from the trade in relation to the draft policy. These meetings are still ongoing. A detailed set of the comments raised by the trade and which are being discussed at these meetings are set out in [Annex B](#) to this document.

What you Told Us

A summary of the responses to the consultation hub questions are set out below:

Question 2:



- Of the 21 people that responded 66.67 agreed or strongly agreed that policy provided protection for children and vulnerable adults, 9.52% disagreed and 23.81% were neutral.

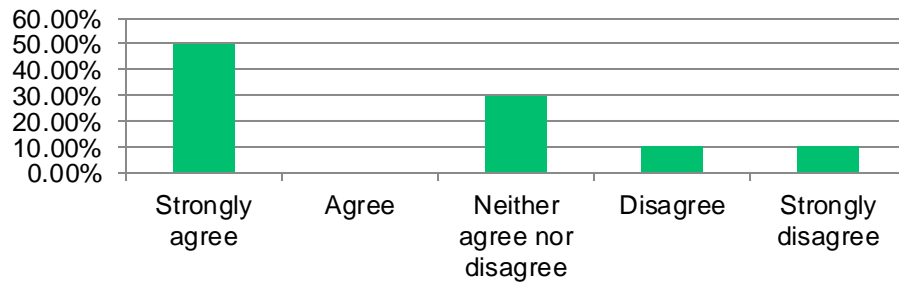
Question 3:

What changes do you think we should make to the draft policy to ensure the protection of children and vulnerable adults is sufficiently covered?

Taxi drivers should be DBS checked – This response has been redacted as it contains personal information.
More spot checks on illegal/ sub-contracted taxi trips and make sure you prosecute and prevent this re-occurring by banning the culprits from receiving taxi licences.
Unless you take the proper steps to ensure the policy is adhered to it will fail.

Question 4:

To what extent do you agree or disagree with the proposals concerning vehicle emissions, i.e. all vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence? (Section 24 - page 18)



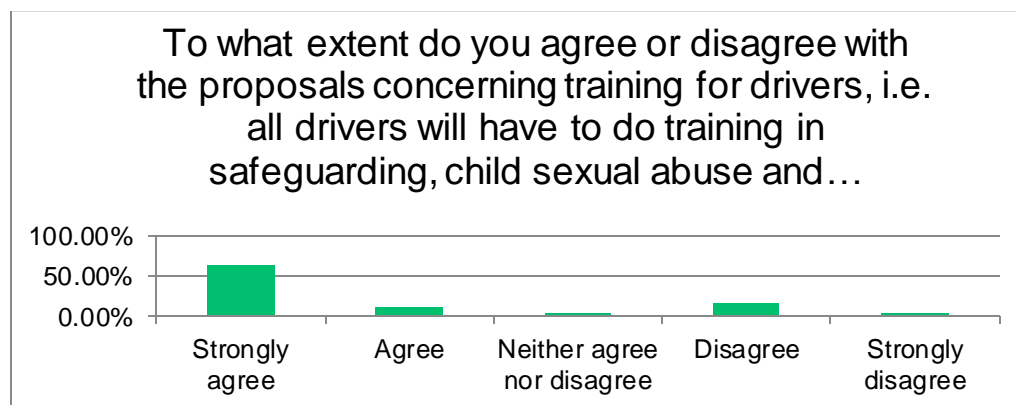
- Of the 20 people that responded 50% strongly agreed with the statement that all vehicles should meet the Euro 5 or Euro 6 emission standards, 30% were neutral and 20% disagreed with the requirement.

Question 5:

What changes do you think we should consider making to the required standards for vehicle emissions outlined in the draft policy?

Euro 6 should be a minimum and electric cars.
The most expensive aspect of a taxi business is the vehicle, a forced change to a current vehicle could see some operators, for financial reasons, leave the business would reduce the Newbury Taxi fleet and users of the service would suffer. Why not let the current vehicles run to the end of working lives and then require new vehicles to meet the new targets, taking into consideration the total environmental impact of scrapping a vehicle and producing a new one, letting existing cars see out their lives could well have a less environmental impact.
Its unnecessary

Question 6



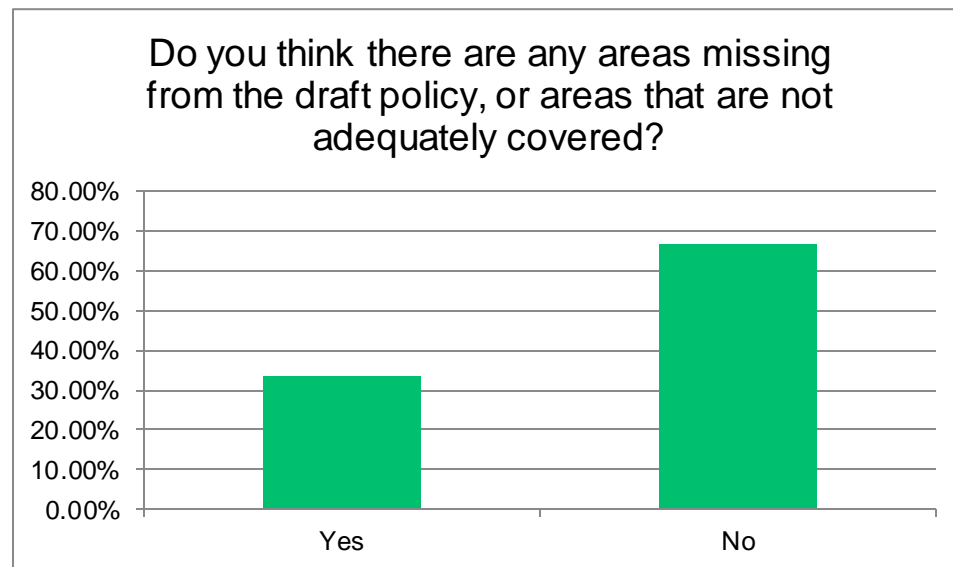
- Of the 19 people that responded 73.69% agreed or strongly agreed that drivers should have to undertake safeguarding and disability awareness training every three years, 21.05% disagreed at 5.26% were neutral.

Question 7

What changes do you think we should consider making to the requirements for driver training outlined in the draft policy?

Expecting drivers to do child protection courses seems excessive - teachers, are workers etc all do this anyway - so why should a driver need to do this given the very limited / adhoc interactions they would have.
Introduce awareness training for drivers to make sure they are not exploited by operators in a self-employment scam ending up working below minimum wage.

Question 8



- Of the 18 respondents to this question a third felt that the draft policy adequately covered all that was needed while two thirds believed that it did not. Only five respondents suggested areas that should be included and this information is set out in question 9 below.

Question 9

What other areas do you think we should consider including, or cover in more detail?

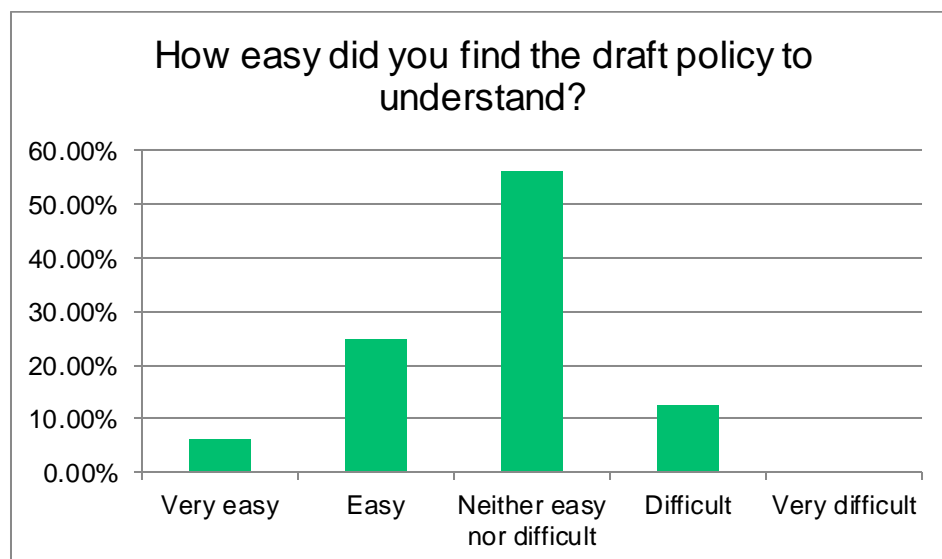
If you are training people with regard to vulnerable adults, how can you possibly ensure that they do not use this information to then carry out evil acts. Taxis will never be entirely safe until each one has a MANDATORY on-board CCTV camera showing the INTERIOR of the vehicle at all times. <i>This response has been redacted as it includes personal information.</i>
School transport arrangements using minibuses and people carriers should be clearer.
wheel chair accessible Taxis are impossible to get in West Berkshire
Aim to cover more about wheelchair access and wheelchair needs when driving a taxi - e.g. braking suddenly and driving without due care and attention - I say this as a passenger who regularly accompanies my Mother in a wheelchair taxi - drivers are too distracted by their phones still - its not good enough
social responsibility

Question 10

Do you think there are any specific impacts the draft policy could have on particular groups? If so, please provide details, including any alternatives you think should be considered?

some drivers may have trouble affording a newer vehicle to meet emission requirements. Could cheap loans be made available?
Taxis without interior cameras will never be entirely safe. <i>This response has been redacted as it contains personal information</i>
Cost on drivers whilst doing training.
Reduced pollution will benefit all members of the public.
The policy will undoubtedly effect both early morning starts and ;late evening finishes for care workers where bus services a re not adequate

Question 11



- Of the 16 respondents 31.25% found it easy or very easy to understand, 12.5% found it difficult to understand and 56.25% provided a neutral response. Specific comments received: Could a header/footer be inserted into pages 30 onwards to show which appendix (A, B, C etc) you are looking at? There is quite a lot of repetition which makes the document very long.

Question 12

Do you have any further comments you wish to share?

<p>33.1 page 24: For West Berkshire Council-contracted client transport, we do not accept 'school-only' licences. (see section 13.2 in our contract conditions: https://www.westberks.gov.uk/media/52383/Client-Passenger-Transport-Conditions-of-Contract/pdf/626501_-_DPS_Appendix_3a_-_Contract_-_Conditions_of_Contract_and_Schedules_1_Price_and_2_Defaults.pdf?m=637855331437530000).</p>
<p>Is this what you are offering here in 33.1 (or is this something different)? If it is the same, although I appreciate drivers may be undertaking school contracts for another body, it feels a little contradictory that West Berkshire potentially offer them through Licensing but not then to use on our contracted school transport. I note that you indicate that the only difference would be requirements on the need to display plates, signage and wearing their badge. I had always been advised that the reason we would not accept 'school-only' licences was that there were reduced vehicle maintenance requirements. So I am unclear as to whether this is the same thing and would appreciate some discussion so we can have consistency. Either way, we would insist on the need to wear identity badges for school transport, so the exemption being offered here for drivers not to wear their badge seems to contradict this.</p>
<p>If West Berkshire council really does want to help vulnerable people to travel safely in this area a camera in every vehicle is the only way to achieve this. <i>This response has been redacted as it contains personal information.</i></p>
<p>CCTV should be fitted in all cabs to safe guard both passengers and drivers.</p>
<p>Like most things, unless WBC monitor and enforce the policy it will be abused.</p>

Table 1

West Berkshire Transport Team	<p>I assume you are aware that some of the cross referencing is incorrect (e.g. reference to paragraph 1.8 on page 7 should probably be 9.1; and Appendix One on page 10 should be Appendix A).</p> <p>19. General (page 16) – I am unhappy with the sixth paragraph which commences “A licensee can transfer the licence to another person...” It seems remiss that there is no automatic check on the suitability of the licensee until renewal – which could mean that an unsuitable person is the licensee for several years before being vetted as ‘fit and proper’.</p> <p>20. Vehicle Type and Design (page 17) – paragraph four states “Any vehicle which resembles a hackney carriage...” Do you define what ‘resembles’ means anywhere – otherwise I can foresee the potential for legal challenge.</p> <p>21. Vehicle Standards (page 17) Paragraph one, point ii states that the vehicle needs to have provision for every passenger to wear a seat belt. Would this also include those conveyed in wheelchairs in vehicles adapted to seat no more than 8 passengers, where the wheelchairs can be fixed in different positions? It needs to, as these passengers should be treated the same as other passengers. (I think this may be covered in 30.1 Vehicle Standards (i).)</p> <p>Paragraph two – how can there be three types of licence is one is WAV and a second is not WAV. Surely stretched limousines must fall within one of these two categories.</p> <p>24. Age (page 18) – paragraph two – why are you allowing Euro 5 emissions? The Council are committed to carbon neutral by 2030, so surely we should be phasing out the older engines? Therefore, I do not support the following paragraph’s statement that “This requirement can be waived in respect of specialist vehicles which have been modified or adapted to undertake particular education authority contracts”. We are starting to consider engine emissions in these contracts, so would not be expecting anything earlier than Euro 5 in any case – and are likely to remove the Euro 5 ability within the next year or so.</p> <p>33.1 School Contracts – although there may be the occasional contract where we would not particularly want a marked vehicle, this is not the case in the majority of instances, and therefore this exemption should be changed to only apply where the Council’s Transport Team (I’m not sure if the term education authority is still used in</p>
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Appendix A

	<p>legal circumstances?) have consented to it. Bear in mind though that we would have no knowledge of the use of such a vehicle outside of the school transport requirements.</p> <p>In addition, the last paragraph under 33.2 suggests that the exemption will last until the licence expires, but a school contract could easily cease before this time.</p> <p>In Appendix A, there does not appear to be any mention of the DfT's <u>Statutory Taxi & Private Hire Vehicle Standards</u> even though you've copied the text from it. Surely it would be better to reference the source material as that could change within the timescale of the Policy.</p>
<p>Newbury Town Council</p>	<p>At the last Newbury Town Council (NTC) Planning & Highways Committee meeting, it was agreed to send the following comments to WBC in response to the Draft Hackney Carriage and Private Hire Licensing Policy 2022-2027.</p> <p>“The Committee noted the consultation and agreed to send the following comments to West Berkshire Council in response:</p> <p>In view of the fact that both West Berkshire Council and Newbury Town Council have declared a climate emergency:</p> <ol style="list-style-type: none"> 1) There is no policy about electric vehicles, converting to electric vehicles, or environmental issues. 2) The Euro 5 & 6 standards and not forward thinking enough for a policy that stretches several years (to 2027) – the target is carbon neutral by 2030. 3) The Council would like to see encouragement for electric vehicle uptake, potentially lower fees or some incentive should be provided to encourage this converting to electric vehicles. 4) A question was raised as to who would enforce these standards outlined in the policy and it was agreed that this information should be included.
<p>WBC Licensed Hackney Carriage/Private Hire Driver</p>	<p>See Annex A</p>

WBC Licensed Hackney
Carriage/Private Hire
Driver

I have been asking all my customers and random fares if they would require a dress code for taxi drivers and not one of them said they would as long as the driver is clean and pick them up at time requested then that is all they require, they have also added if they were not happy with the driver or vehicle then just would not call that taxi again and would use someone else , the public are not stupid and can make up their own minds! can it be noted that we have been running our businesses for many years and our dress code is our business and not the councils can they be reminded that we work for ourselves and really rent a licence from the council in order to trade we do not work for the council !!

Ref point system

I feel that if they cannot sort out illegal taxis that are out there already , of which they have been informed about and do nothing , I refer to a Buckingham plated taxi touting for business in the Thatcham and Newbury area , they are putting the public at risk as soon as they pick a passenger up as a paying fare as they are not insured for one so as public protection they are failing the public , also go green drivers waiting at thatcham station and when no legal taxi drivers are there they are being approached and taking fares again public are at risk as not insured .. so they would rather award petty points because our skirt is not of required length , or not one uniform colour , or we have a chip on our cars from the diabolical west Berkshire roads or scratches from driving past unkempt bushes , or because we don't have the room to carry 6 bloody years of service records for our car , it seems to me that they are trying to get every legal taxi off the road to which point the council will be left with all the drivers that are illegal because they cant be bothered to do the job that they are in place to do !! ie public protection !

Policy has not got one thing that protects the drivers this document is entirely written to make a criminal of law abiding taxi and private hire drivers , also ref all the things we are required to carry , I for one will not be putting myself or any of my passengers in danger trying to put out a fire , I will be getting as far from veh as possible also with first aid I will never put myself in the position of possible opportunity to be sued by administering first aid in case a person is allergic to any treatment I may provide !!!!

I just feel they should be looking after the public not trying to hound us off the roads !!! and as a business owner of 20years , I have never advertised and have been recommended , so my business model works and I don't need advice and guidance as repeat business tells its own story .

Annex A

Response to Hackney Carriage and Private Hire Licensing Policy 2022 –2027

Introduction

I will be addressing the various points of concern to me later on, but first in general:

It's understandable that West Berkshire Council feel the need to update their licensing policy for the industry in light of the DoT's Statutory taxi and private hire vehicle standards document of July 2020. You fail to mention this document at all in your document. Which is odd. Though you do give a Wikipedia style rundown of West Berkshire which is again odd.

However it is interesting that in places WBC's proposed new policy goes far beyond what is recommended in the DoT's document and yet ignores other parts entirely.

Both documents many times mention keeping passengers safe from drivers. No mention is ever given, as far as I can tell, about keeping drivers safe from the passengers. It's only anecdotal, and as a driver I may be biased, but in my time doing this I've heard of far more instances of WBC licensed drivers being attacked by the passengers than vice versa. Including stabbings and severe beatings all reported in the local press.

Also there are several places in the document where a regulation is given and then followed up by a reference to a specific section of a piece of legislation. But upon reading the actual legislation it says no such thing. Or at least it's a case of WBC reinterpreting decades old legislation with an extremely broad brush.

At a time when the drivers in the industry are earning comparatively less than ever (between 2013 and today compounded inflation has increased by 25%. Yet we have only seen fare increases of around 13.4%, and only very recently) yet more charges are being added to renewal of licenses in the form of almost wholly unnecessary tests.

Many of the new regulations, while probably well intended, are both ill-thought-out, badly written and frankly unmanageable.

My points. Not necessarily in order of your document but I'll label each.

9.10. Knowledge of Area - Page 12

I think it's fair to say that TFL's London knowledge test is regarded as the 'mother of all knowledge tests' London Hackney drivers have to pass it once and once only.

Why all of a sudden do WBC deem it necessary to repeat this every six years ?

How is it possible for a West Berkshire drivers knowledge to have decreased in the intervening 6 years?

The excluding of drivers on school runs from this requirement must be legally dubious at best ?

It's arguable that such knowledge tests are unnecessary altogether in the current age of ubiquitous sat nav but certainly the knowledge test should never need repeating on renewal of a license.

13. Licences and Badges – Page 14, and Taxi Drivers' Code of Conduct 2.1 - Page 48

WBC quote the Local Government (Miscellaneous Provisions) Act 1976 s54 as though this states drivers must wear a badge on their left arm. It states no such thing.

Only:

“A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.”

So for 46 years this seems to have been interpreted that the wearing of a badge around the neck is sufficient to comply. It's been the common practice.

WBC have decided to reinterpret this section of the legislation, I guess you've deemed it not visible enough, and have come up with an unworkable solution which does not even fully address the issue of visibility. If indeed there is an issue ?

If I wear a badge on my left arm, no matter it's positioning, a customer sat directly behind me cannot see it.

Also on driver safety the only other people customers on a weekend evening are likely to have encountered with 'Left arm badges' are pub and club door-persons. It will not help driver safety making the drivers look similar to the person who just ejected them from an establishment.

Especially during extremely hot weather, such as we've experienced this year, the idea of having something strapped tightly to my arm for hours on end is untenable.

An answer to provide increased visibility of the drivers identity to the passengers is simple and superior to WBC's proposed solution.

You provide a see-through sleeve for the holding of a drivers plate number and badge on the inside of the front windscreen. Rather lazily WBC have always just provided an identical badge for this holder as the one around my neck.

Though the space is there for a badge twice as wide.

Produce a badge that fills the space. With a much larger photo, ideally filling the badge, And print it on both sides. Then every body in the taxi can see it easily and also when approaching the taxi.

Simple and better.

9.8. Practical Assessments for Licensed Drivers and Applicants – Page 11

So we have to do a new driving test every 6 years. More onerous costs.

And I'm understanding this as even drivers without a WAV will have to do the wheelchair assessment. What purpose does that serve ?

Also I think WBC would like drivers to continue to make investments in their vehicles yet at any point two minor road traffic convictions, within twelve calendar months, could result in the suspension of the drivers license. Until the practical test is passed again. What if no such tests are available for an extended period of time ? Driver out of work, still has to repay car finance. Liable to go bankrupt.

9.9. Spoken and Written English – Page 11

9.9.1. Speaking and Listening Assessment – Page 12

It's not clearly stated as far as I can tell but is this for first time applicants only or also renewals?

It beggars belief that you are going to ask British passport holders, born in this country, to pay for the privilege of proving we can speak English.

As for the written test I know of two drivers who struggle with writing. Yet they've been doing the job a long time. Are they not allowed to continue ? Probably both cases of undiagnosed Dyslexia

I can only hope this is for first time applicants only but even with that said the idea of asking English natives to prove they can speak English is very bizarre to me. And might gain traction in the press ?

14. Lost Property Page - 55

14.2

You should amend this to say "valuable lost property" Failing that add the council offices as a valid place to deposit any found items.

If you turn up at the police station with an umbrella, jumper, book etc they are really not very happy.

One time I found a notebook on the back seat. I looked through it hoping to find a useful address or phone number to no avail. But it did have many notes and musings and doodles and I believed it would be of importance to the owner. So I took it to the police station. To say the officer on the desk was unimpressed is an understatement. But I considered it a valuable item, even if not monetarily. They did sign it in but did not want to.

Test this for yourselves. Turn up at the police station with an umbrella, or a tin of beans and report it as lost property. See what happens. They won't take it and will be very annoyed.

So if you expect all lost property to be handed in give us another avenue. I'll bring it in to Market street.

After all you can issue points for this even though the police WILL NOT accept most non valuable items. Yet you are requiring us to hand it all in. and threatening points.

16. Plying For Hire When Driving A Private Hire Vehicle [Does Not Apply When Driving A Hackney Carriage] – Page 55

16.3.

You must not park or wait on or near any hackney carriage rank, or drop passengers off on a hackney carriage rank.

Does not effect me (Dual) but define near ? What if a private hire driver is wanting to use the toilets on the wharf ?

What if a private hire driver is asked to pick up from the museum ?

The Moon is near to the Earth in comparison to Pluto.

Near means exactly nothing without context.

From my own observations there are zero issues with private hire drivers plying for hire near ranks in West Berkshire.

The regulation should simply state they cannot wait or drop off on ranks.

24. Age – Page 18

Currently:

One MOT per year up to five years vehicle age.

Two MOT's per year from six to eight years.

Three MOT's per year over eight years.

The new regulation seems to say that even brand new vehicles need an MOT test every six months. And once the vehicle has travelled 25,000 miles the requirement will be a test every four months.

A busy taxi can easily cover 25,000 miles in two years.

That's a huge change.

So we potentially go from a regime where a brand new vehicle has eight years before needing thrice yearly MOT tests to a regime where those thrice yearly MOT test may be needed within eighteen months to two years.

This will likely result in more older taxi's on the road as why invest in a brand new vehicle if within two years you'll be having to take the same amount of MOT tests as an eight year old vehicle.

WBC state *"All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer servicing schedule."*

I can only speak for myself but I can't produce what doesn't exist. I bought my vehicle brand new. Once the warranty period had expired I have done some of the servicing myself, as I'm quire capable of changing oil and filters etc. I didn't always keep a record of this as it's my car, I have no intention of selling, I know the work has been done, and there was no requirement from WBC to keep a servicing record previously.

The regulation also precludes a driver buying a vehicle without a full service history even if they afterwards get the car properly serviced and thoroughly checked.

It's a poorly worded unworkable regulation if applied retrospectively.

25. Exterior of vehicle page – Page 19

This whole section is a joke. Our taxis are working vehicles. You look hard enough and you'll find that taxis have *"i.v. have eight or more stone chips of any size;"* on every taxi in West Berkshire over six months old.

v. have any scratches, cracks or abrasions where the top layer of paint has been removed.

Define top layer of paint. Define scratch. My car is very presentable IMHO but you look behind each door handle and you'll see many minor scratches, caused by customers rings, nails, keys, clothing etc.

By the wording of this part, of this section, almost all taxis will fail if strictly followed.

Any scratches? Just one? Ridiculous.

Quite often the customers cause the damage to the rest of the exterior with their trolleys, walkers, walking sticks etc. And when a lovely old dear scratches your door with her walking stick on a £7 job are we supposed to sue her for the damage and get the car professionally resprayed yet again. I'd never be out of the body-shop.

The chips and scratches parts of this regulation are poorly thought out and unworkable in the real world.

It sounds like WBC expect our cars to stay in showroom condition ?

Maybe that's a reasonable expectation for an 'executive car' service ?

But for customers just trying to get their shopping home it's very over the top.

The cars just need to look presentable. That is all.

30.1 - Vehicle Standards - Page 21

iv. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.

My Peugeot Partner does not have such handles. I can look at having them fitted but if that's not possible do I have to buy a new car?

This should only be requirement for newly licensed vehicles. Not renewals. WBC have 'moved the goalposts'. If I buy a new vehicle to comply you may just move the goalpost again and leave me in the same position.

v. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:

a) be not more than 380mm from the ground, (measured at the centre of the tread width);

If I understand this correctly then all the Peugeot Partner taxis in West Berkshire do not comply (there's a lot of them). Peugeot Partners do not come with a step. Nor is in an option I've ever seen.

WBC forces Hackney Carriage drivers to have WAV's due to WBC's interpretation of the law. They are by necessity much higher from the ground than saloons and estates.

To this day many local authorities interpret the law quite differently and have no such requirement for WAV's as taxis.

I brought up the fact many years ago at a taxi liaison meeting with WBC that more passengers were inconvenienced by the height of our WAV's than the number of wheelchair user trips we do.

But at the time all that mattered was the wheelchair users. Or so it seemed.

So many of us bought Peugeot Partners and now apparently they don't comply?

Though I'm not sure, as what does "*(measured at the centre of the tread width);*" even mean ?

10.8. Trousers, shorts or skirts must be tailored..... Page 53

What ? So Matalan is out? Must I go to Jermyn Street ?

10.10. (f) No baseball caps

Why the hate on baseball style caps ? While I don't wear them myself some drivers might like to keep the sun out of their eyes.

In the winter I do often wear a flat cap. Is that allowed ?

Much of the dress section sounds like it's been written for the sake of it.

Hackney Carriage Vehicle Licence Conditions – Page 63

3. Maintenance of Vehicle

3.1.(h) *The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs*

I've never heard of these 'bulb kits'. If existent I imagine they are expensive ?

In the back of my taxi is a full complement of spare bulbs from Euro Parts. Generally more than one spare of each type. Why is that not sufficient ? If I must I can write my plate number on the tiny boxes.

Penalty points

Loads of these are poorly written and or vague.

Failure to provide an annual LPG safety compliance Certificate V7 4 points

? My cars not LPG

Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent V9 4 points

Consent from whom ?

Wilfully or neglectfully causing letters or figures in the statement to be obscured V29 2 points

Statement of what ?

Failure to deposit copy of statement of fares which differ from the approved fares V30 2 points

Deposit where and with whom ?

Failure to keep copy of insurance/cover note in the vehicle V36 2 points

I fail to see that requirement in the regulations yet there's points for it ?

Failure to provide assistance to an authorised officer V50 4 points

Assistance in what regard ?

Failure to provide information requested by an authorised officer V49 4 points

Seems overly broad. What if the information is not known?

Authorised officer: "What's going to win the 14:30 at Kempton?"

Me: "No clue".

Authorised officer: "Enjoy your 4 points".

Yes that's absurd but so is your wording. Again and again!

Failure to have or maintain illuminated markings at entrances and exits V1 4 points

Absolutely no idea what that means? But pretty sure I don't have them?

Failure to have three CCTV signs V55 2 points

Not everyone has CCTV so why the signs ?

Right I give up on many of these as they are so poorly worded and vague. Just the important ones, to me, follow.

Driver smoking/vaping/similar whilst in the vehicle – D5 4 points

What is the problem with vaping ? I vape. There is no law against vaping in a work vehicle.

My taxi is also my private car. Are you telling me on my days off I can't vape in my car even though there is no law against it ? There's no lasting smell or residue.

I do not vape when customers are in the taxi. Seems like common courtesy. However on occasion, generally on longer trips, customers have asked if it's OK to vape to which I reply "That's fine so long as it's not one of those that will fill the car with vapour so I can't see. And then I'll join them".

I checked with WBC licensing long ago and was told vaping in the taxi was legal and allowed. The law has not changed unless I missed the change? But I repeat I would not do it with customers in the car except at their request.

Failure to notify Licensing Authority in writing within 7 days of serious injury or illness D44

Biggie 12 points. Define serious ? You must! 12 points and no clue what I should or shouldn't report ? Gout, broken leg, bad back, sprained ankle. covid, flu, migraine ?

Failure to notify lost property to the Police within 48 hours of discovery B15 - 2 points

As stated earlier if we did this for everything the police would go spare. Add WBC offices as a receiving location.

Footnote:

I could go on but I've had enough. If you proceed with these new regulations, in this form, I predict you will improve public safety in regard to WBC licensed taxi and private hire drivers because a lot of drivers will just quit at renewal time and they'll be a lot less of them to harm the public. Or they will just go private hire with local authorities that have less onerous charges and regulations. The last time I checked that was an option.

Annex B

Comments from the Trade on the Draft Hackney Carriage and Private Hire Licensing Policy Document

General comments, Typos and Formatting

Comments
<p>Firstly, having been connected to the trade for 30 years, never in all that time has the Licensing team successfully policed its own rules? I fail to see how they think that is going to change</p> <p>Now for the document itself. Obviously this document was never proof read before issue. Whoever compiled this document can only be described as an idiot. Furthermore, whoever paid them should be seeking a complete refund as this document is unusable and is not fit for purpose.</p>
<p>you cannot use a document that doesn't stick to one form of numbering. le it jumps from .1 to A to Roman Numerals and then back to .1.</p>
<p>Section 3 has subheadings. Section 4 uses level 2 number indexing (4.1, 4.2). Section 7 uses level 2 letter indexing (7a, 7b). Section 9 uses; level 2 numbering, and level 3 lettering (9.1a), AND level 3 numbering (9.9.1). Section 19 uses bullet points. Section 21 uses level 2 roman numerals (21i). Section 30 uses level 2 numbering and level 3 roman numerals (30.1i) and level 4 lettering (30.1iiic).</p> <p>I have intentionally jumped in and out of the oxford comma above as the current document does – Section 5 is a good example of that</p>
<p>Ensure consistency of references to appendices either numerical or alphabetical see para 9.5</p>
<p>Section 9.7 uses spot check, the OED and Websters has it as spot-check but legally, it is a random check which makes the entire sentence structure inaccurate</p>
<p>9.11 'Applicants' shouldn't be capitalised – This is a recurring problem, capitalisation on non proper-nouns.</p>

<p>Section 15: If you are going to term a legal act, keep it the same:</p> <ul style="list-style-type: none"> • Is it 'Local Government Miscellaneous Provisions Act 1976' Or 'Local Government (Miscellaneous Provisions) Act 1976'?
<p>Section 28: there is a space before a comma.</p>
<p>Section 29: Most insurers offer a PSV licensed vehicle – see section 17 comment.</p>
<p>Section 37.4 refers to 'Appendix One' which does not exist. – I assume it means Appendix A</p>
<p>Section 40.1ii (the second occurrence of this reference) refers to 'Appendix Two' which does not exist. – I assume it means Appendix B</p>
<p>A new title should start on a new page. Would be better to put the different sections on a different page. The amount of repeats - it would be easier to read, if each section kept to the same number/title. Policy in relation to Hackney Carriage and Private Hire Licencing Policy – does not include Dual Licence, but Dual Licence is written about throughout policy</p>
<p>To many different ways of referencing sub titles. Example 33.1 and 33.2 are not in content, but then read bullet points, roman numerals, i. ii.iii. Please select one way throughout the policy.</p>
<p>Appendix C - Section 18: Some clauses get punctuation, some do not.</p> <ul style="list-style-type: none"> • This is the same throughout the document
<p>Appendix D page 64 Section 4 pertaining to Doors needs renumbering</p>
<p>Page 71 there are two section 3.1</p>
<p>Page 75 Safety Equipment already stated from Page 41. Already commented on. The numbering system for Hackney Carriage and Private Hire if altered, would read better side to side. As so much of this policy is repeated, surely it would be better reading if the numbering system with title stayed the same for Hackney Carriage and Private Hire, any extra conditions could be at the end.</p>

Currently numbering system is different but many titles read the same, but in different places, i.e. radio is under safety (see Page 67) in one category but not in other, so titles are not following through, although the conditions are the same

These comments should be read alongside the Hackney Carriage and Private Hire Licensing Policy 2022-2027.

No examples of application forms that need filling in.

No mention of cost of fees.

This policy is written in a way, it is very negative about the trade.

No mention how a driver could legally protect themselves, should there be a situation that is uncomfortable/dangerous, especially as police as rarely seen.

Would be useful if pages had headers, to remind reader what section is being read.

So many pages have repeated errors.

Many times, vehicle proprietor is mentioned as being responsible, but some vehicles are owned by lease/hire/insurance companies, this fact isn't always written in.

Why isn't there a list of Breaches to Hackney Carriage or Private Hire Licence Code of Conduct list of points for wrong doing? Only Dual Driver Licence.

West Berkshire Council need to be careful when writing about keeping records for six months. HMRC/VAT regulations require records to be kept for many years. Drivers would face criminal offences because they are doing as Council required, which is not the legal requirements of the law.

There are so many repeats, that have the same errors, I give up on informing you of the pages with errors.

The Council have been told about driver/vehicle not showing licences whilst driving around passengers (some children), nothing gets done. Please explain why anybody should abide by these rules, as proven by those under the radar, lets hope there isn't another bad situation, where the council know but ignored information provided.

When reading a paper copy, the links appear in different typeset. Council should insert page number for the article (if referred to in the documentation) or put full title of how article can be found when using internet.

Please could the Legal Department check over.

Could an experienced English Grammar person check wording?

Could an experienced typist please check and correct the many page breaks needed and other typing/placement errors?

Specific Comments

Ref	Comments
Page 1 Title	Title should include Dual Licence, West Berkshire Council School and Community Service Contracts. Licensing what? Insert Drivers and Vehicles in title
Page 4 1. The District of West Berkshire	Section 1 is descriptive of WB as opposed to prescriptive of the document. What is the value of this. If it is important to this document to know that 101,111 people live along the kennet valley, what study and year is this data from else this document is inaccurate as soon as it is released. Section 1 should really cover the scope of what this document is.
Page 4 1. The District of West Berkshire	The percentage of people in West Berkshire is wrong at 102% 'West Berkshire has a resident population of approximately 158,465 of these residents 21% are aged 16 and under, 61% are of working age (16 to 64), and 20% are aged 65 and over.'
Page 4 2. Introduction	refers to things the council wants to do; is that the purpose of this document? I thought this was a legal response to the July 2020 DfT new issued guidelines, although this document fails to mention that so there is no traceability from central to local policy. Is so, I would interpret this document as a legal reference document, not a wish list.
Page 4 3. Introduction	A licence to work is that, so how will council stop private hire licensees who undertake school or community service contracts from working as a private hire driver outside these contracts? See Page 5, second paragraph

Ref	Comments
	<p>The requirements for private hire operators and vehicles that undertake school or community service contracts issued by West Berkshire Council are the same as for all other private hire operators and vehicles. However drivers who only undertake work as part of such a contract will be excluded from the requirement to undertake a knowledge test. All other requirements remain in place. This alteration from the usual policy recognises that these drivers will be undertaking journeys on fixed routes. A West Berkshire Council private hire driver's licence only will be issued to such people and can only be used when the vehicle is undertaking such a contract.</p>
<p>Page 5 4. This Policy Applies to the Following</p>	<p>This policy applied to the following: Private Hire Operators, should read driver/s (second from last line). Private Hire Operators: are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the <u>drivers</u> that they use and the condition of the vehicles that they use</p>
<p>Page 5 5. Legislation, Byelaws, Guidance and Policy</p>	<p>please insert page numbers (39) where needed.</p> <p>Once a licence has been granted, the licensee will be subject to all the above, and the conditions attached to any licence and (in the case of drivers) the Code of Conduct.</p>
<p>Page 6 6. General</p>	<p>does not mention Dual Licence. This is a constant error throughout</p> <p>First para: The purpose of licensing hackney carriages and private hire vehicles, drivers and private hire operators is to protect the public. Public protection will be the overriding consideration whenever the Council considers hackney carriage and private hire licensing matters.</p> <p>Fourth Para: Holding a hackney carriage or private hire drivers, vehicle or operator licence is a privilege and a responsibility. At all times a licensee's behaviour and conduct must be of the highest standard. The Council will consider all aspects of an applicant/licensee's behaviour; not simply when they are using their licence.</p>
<p>Page 7</p>	<p>you refer to paragraph 1.8 without any indication as to where it actually is.</p>

Ref	Comments
<p>7. Pre-requisites to Making an Application First paragraph</p>	<p>It is the policy of the Council that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete. Additional information about the requirements are set out in paragraph 1.8 (identity) below. Applicants will need to provide evidence that they have.</p>
<p>Page 7 7. Pre-requisites to Making an Application</p>	<p>Pre-requisites to Making an Application (e) DVLA Group 2 standard current medical fitness – no information of where this medical fitness can be issued from.</p> <p>(Page 10 9.6 Medical Examination says from GP within drivers' practice). Please make both read the same.</p> <p>Although many GP's do not offer service you require.</p>
<p>Page 7 7. Pre-requisites to Making an Application</p>	<p>Section 7f is not a metric so how can the licensing authority prove unbiased parity on this? 'That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.'</p>
<p>Page 7 7. Pre-requisites to Making an Application</p>	<p>In section 7C (page 7) the document refers to 'Evidence of registration with HMRC for tax (in the case of an existing licensee), or an acknowledgement of the need to register for tax (in the case of a new applicant)' but does this stretch to cover an understanding of IR35 and should this also be included for operators and vehicle owners?</p>
<p>Page 8 8. Application for the Renewal of a Licence Second paragraph</p>	<p>Renewals must be made not less than 20 days prior to renewal. However, i have just renewed a licence that renewals had still not been received 11 days prior to renewal</p>
<p>Page 8 8. Application for the Renewal of a Licence</p>	<p>would read better if second paragraph was first?</p> <p>Third paragraph should remove "In all cases", (found end of paragraph), as paragraph is saying licence may not be renewed, so which is it "In all cases"?</p>
<p>Page 9 9.1 Identity</p>	<p>Concern over the use of word only</p>

Ref	Comments								
	<p>For applicants with a limited time to remain in the UK, the licence will <u>only</u> be granted for the period of permission to remain, and may <u>only</u> be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.</p> <p>If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may <u>only</u> be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.</p>								
Page 9 9.1 Identity	<p>This paragraph needs clarifying</p> <p>If a licensee loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within seven days.</p>								
Page 10 9.6 Medical Examination First para	<p>Group 2 medicals must be carried out by own <i>GP</i> or GP's practice. I have checked with my Surgery who have <i>confirmed that they will not carry out these medicals</i>. Obviously something that the licencing team overlooked.</p> <p>'Each applicant, on first application and at the intervals indicated below, must complete a medical examination by the applicant's own GP (or a GP within their own practice) at the applicant's expense.'</p>								
Page 10 9.6 Medical Examination	<ul style="list-style-type: none"> • Not all GP surgeries will issue medicals (group 1 or 2). • Lines 1 and 2 of the table contradict each other. <ul style="list-style-type: none"> ○ If a 30yr old is issued his first medical, when is his second medical due; at 45 years in accordance with line 1 of the document or at 36 in accordance with line 2 of the document. <ul style="list-style-type: none"> ▪ Current policy would be at 45 years. <table border="1" data-bbox="638 1236 1993 1385"> <thead> <tr> <th data-bbox="638 1236 1518 1273">Age</th> <th data-bbox="1518 1236 1993 1273">Frequency</th> </tr> </thead> <tbody> <tr> <td data-bbox="638 1273 1518 1313">On First application for a drivers licence</td> <td data-bbox="1518 1273 1993 1313">And thereafter from age 45</td> </tr> <tr> <td data-bbox="638 1313 1518 1353">Up to and including the age of 45 years</td> <td data-bbox="1518 1313 1993 1353">Every 6 years</td> </tr> <tr> <td data-bbox="638 1353 1518 1385">Over 45 years and up to and including the age of 69 years</td> <td data-bbox="1518 1353 1993 1385">Every 3 years</td> </tr> </tbody> </table>	Age	Frequency	On First application for a drivers licence	And thereafter from age 45	Up to and including the age of 45 years	Every 6 years	Over 45 years and up to and including the age of 69 years	Every 3 years
Age	Frequency								
On First application for a drivers licence	And thereafter from age 45								
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Over 45 years and up to and including the age of 69 years	Every 3 years								

Ref	Comments
	70 years + Annually
Page 10 9.6 Medical Examination	not all GP's offer such Medical. Page 7 does not state that certificate has to come from GP at drivers' practice.
Page 11 9.8. Practical Assessments for Licensed Drivers and Applicants	Wheelchair assessment – do you mean go on a course? Assessments to be passed every six year, but before a second three-year licence, do not understand, is it six years or three years.
Pages 11 and 12 9.9 Spoken and Written English	What will define the requirement to take this? If English is the applicant's native tongue, is this still applicable; a B1 is an interpolated equivalency of a level 3 certification (AS level). <ul style="list-style-type: none"> • This is not a requirement for council employment who instead ask for ability to communicate or communication skills with ne defined metric: <ul style="list-style-type: none"> ○ Assistant Team Manager: V4595. ○ Information Analyst: V4850. ○ Transport Services Driver: V4842. • This just seems to be copied from the TfL (Apply for a private hire driver licence - Transport for London (tfl.gov.uk)) without any thought put into the process.
Pages 11 and 12 9.9 Spoken and Written English	Why is Level B1 satisfactory to understand this policy
Page 12 9.9.1 Speaking and Listening Assessment	There is no definition as to what this course will be, I assume it is 'LanguageCert International ESOL for TfL' but then this should be clarified. I am unsure as to why this should take place at WBC offices as this is designed as remote training
Page 12 9.9.2 Reading and Writing Assessment	The SERU assessment is not a measure of reading or writing. This would be akin to basing someone's suitability to drive on how well they can explain the internal combustion engine. <ul style="list-style-type: none"> • Did whoever draft this document present a B1 certificate in CEFR or equivalent? • If whoever drafted this document is going to use source material, reference it or at least process what it says before copying and pasting it.

Ref	Comments
Page 12 9.9.1 Speaking and Listening Assessment and 9.9.2 Reading and Writing Assessment	Whilst drivers should have good knowledge of English speaking and writing. Drivers will have to understand this policy, therefore drivers will not be able to get a licence, as this policy is not easy to understand.
Page 12 9.10 Knowledge of Area First para	why on earth would you need an additional knowledge test if you are already doing the job. Also if last's 6 years why would you need it prior to 2nd renewal 'This test must be passed again every six years i.e. before a second three-year driving licence will be issued.'
Page 12 9.10 Knowledge of Area	Neither the 'Statutory Taxi & Private Hire Vehicle Standards (2020)' nor the "Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England (2022)" advice repeating the Topographical Knowledge test. Clause 6.23 of the 2022 paper states 'Licensing authorities should therefore require prospective taxi drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence.'
Page 12 9.10 Knowledge of Area	Why is it necessary to resit exams? 272 square miles of West Berkshire is not necessarily the whole area drivers want to drive. Still do not understand is exam every sixth year or three year? Vehicle technology can provide maps. Council could lose drivers. Drivers/operators then have to notify passengers they can not fulfil the request for transport. Operator could be in breach of contract (page 78), if unable to find enough drivers for pre-booked journeys, as drivers all failed the exams.
Page 12 9.10 Knowledge of Area Test	If This requirement does not apply in relation to applicants for private hire drivers' licences to undertake school or community contracts, are the council now issuing another licence type in addition to those defined in section 3? Section 3 Hackney Carriages: A vehicle available to transport members of the public that has no more than eight seats for passengers, which is licensed to stand or ply for hire. A hackney carriage may stand at designated taxi ranks (referred to in legislation as a "hackney carriage stand") and also on the

Ref	Comments
	<p>street (“standing for hire”) and/or be hailed in the street by members of the public (“plying for hire”), in both cases within their designated zones. They may also undertake pre-booked journeys.</p> <p>Private Hire Vehicles: These are licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.</p> <p>Private Hire Operators: are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.</p> <p>Hackney Carriage and Private Hire Drivers: Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.</p>
<p>Page 12 9.11 Highway Code and Relevant Legislation</p>	<p>This is a statement that makes no grammatical or contextual sense.</p> <ul style="list-style-type: none"> • Grammatically it fails to define an object – ‘This test’ is not a defined object. • Contextually it serves no benefit: <ul style="list-style-type: none"> ○ It is a requirement of every driver licensed in the UK to maintain their knowledge to the lates edition of the highway code but there is no requirement to re-take the theory test. ○ Why are drivers being asked to understand and re-assess laws that have not been updated in over 30yrs? ○ Local Government (Miscellaneous Provisions) Act 1976 – Textual Amendments: <ul style="list-style-type: none"> ▪ Change F120 in 2016. ▪ Change F150 in 1982. ○ Town Police Clauses Act 1847 – Textual Amendments: <ul style="list-style-type: none"> ▪ Change F56 in 1985. ▪ Change F58 in 1982. ▪ Change F59 in 1982. ▪ Change F60 in 1980.

Ref	Comments
	<ul style="list-style-type: none"> ▪ Change F61 in 1982. ▪ Change F62 in 1982. ▪ Change F63 in 1982. ▪ Change F64 in 1982. ▪ Change F65 in 1982. ▪ Change F66 in 1982. ▪ Change F67 in 1982. ▪ I can't justify spending more time highlighting that this document is not changing regularly so why should there be a required re-assessment on it.
<p>Page 12 9.11 Highway Code and Relevant Legislation</p>	<p>Highway Code and Relevant Legislation - Again why is it necessary to resit exam. Will West Berkshire Council go around and remove all the old street furniture? Remove all the weeds around street furniture. We do not always know every road sign, yet to be tested on signs we never see in rural areas. DVLA do not require drivers to resit Highway Code again. Drivers can sign the Highway Book if they wish.</p>
<p>Page 13 9.13 Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training</p>	<p>having done these courses, i can only say what an absolute waste of time and money. These courses are currently aimed at Hackney licence holders.</p>
<p>Page 14 13. Licences and Badges</p>	<p>I would love to know which local authorities currently make there licenced drivers look like doormen. As a Company we have a number of high profile clients who will most definitely agree with this ridiculous idea.</p> <p>'Drivers are issued with two badges and an armband. One of the badges must be displayed in the armband which must be worn on the left-hand arm of the driver so it is visible to passengers in the vehicle. The other badge must be displayed within the vehicle so it is visible to passengers. Both the badges and the armband remain the property of the Council and must be returned immediately on expiry, suspension or revocation of the licence.'</p>
<p>Page 14 13. Licences and Badges</p>	<p>If a badge must be displayed in a vehicle, then the display on the arm is redundant. Also, moving it every time the driver changes from shirt to jacket to coat is pointless.</p>

Ref	Comments
Page 14 13. Licences and Badges	<p>Licences and Badges. The wearing of armband – page 48 2.1 the armband is described as coloured, what colour will it be?</p> <p>I feel wearing of an armband opens up the lose of privacy, strangers could be stood next to driver and use personal information is a bad way, wearing a Lanyard does offer personal protection. Should a necessary people wish to look at badge, driver can put badge towards person to read.</p> <p>The wearing of armband, could lead to a necessary person getting elbowed in the face, as we have to turn to the side to show armband.</p> <p>People/children/child minders looking for driver at somewhere like an airport, would not easily recognise driver as the lanyard is missing.</p> <p>What type of material is to be used? How can the armband be big enough to go around a winter coat, yet be small enough to go around a small upper arm, whilst not having material hanging around the body – which will be dangerous if caught in something whilst passing, or someone may think it is funny to pull material.</p> <p>The long wearing of tight armband to stay on driver, could cause skin rash, blood pressure problems, driver could get points because clothes are damaged/not smart enough from the use of armband.</p>
Page 14 12. The National Register of Taxi Licence Revocations and Refusals	<p>Council will not share information out of the United Kingdom, but wish for said information to be obtained from an overseas person who wishes to join trade. Rather unfair</p>
Page 15 17. Single Licences	<p>In the event of an accident my insurers provide me with a replacement vehicle within 24 hours. These vehicles are provided by a specialist company set up to provide vehicles nationwide to the trade. These vehicles are all licenced pco registered vehicles. I have no control over that. Therefore, if this rule is brought in to force I would be in a situation where I would be taking this council to Court for loss of earnings as they would effectively be refusing to licence a suitable vehicle.</p>

Ref	Comments
	'Applications will not be accepted if the vehicle is already licensed by any other licensing authority (council or Transport for London).'
Page 15 17. Single Licences	17 is contradicted by Appendix F_7.1: <ul style="list-style-type: none"> • Section 17: Applications will not be accepted if the vehicle is already licensed by any other licensing authority (council or Transport for London). • Section 7.1: Public service vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.
Page 15 18. Test of Fitness and Propriety First para	As DBS's are currently renewed every 3 years, why would you want them redone annually. Yet another additional cost to the trade? 'Applicants for the grant or renewal of a vehicle licence must produce a basic DBS certificate which is not more than one month old, and provide details of all convictions (spent and live), cautions, fixed penalty notices, parking fines, Anti-Social Behaviour Orders, Community Protection Notices, injunctions, restraining orders and any other matter affecting their character on the application form and statutory declaration. This requirement does not apply if the applicant already holds a drivers licence issued by West Berkshire Council.'
Pages 15 and 16 19. General	as I believe that most of the trade have there MOT's and Council Test's done in time for renewal. for this to happen under the new regime the MOT's would have to be carried out prior to the 30 days that are currently allowed.
Page 16 19. General First bullet point final section	The document is not a V5 but a V5C.
Pages 17 and 18 21. Vehicle Standards	Windows are generally factory fitted and are not supplied with certificate's. they are definitely not issued with used cars. 'Where vehicles which are currently licensed have factory tinted/privacy glass fitted and are able to provide documentary evidence that this was fitted at the time of manufacturing and has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.'

Ref	Comments
	No aftermarket tinted film can be attached to the windows of any licensed vehicle.'
Page 17 21. Vehicle Standards	This refers to paragraph 1.28 but this is not in the document. Do they mean clause 33?
Pages 18 and 19 24. Age	This should include an 'or later' caveat else you will invalidate any Euro7 cars when they arrive in 2025.
Page 19 25. Exterior of a Vehicle	This was obviously added as a joke. You cannot drive around the roads of West Berkshire without picking up stone chips (suggest you talk to highways about conditions of roads) Who decides on conditions on wheels. Engine compartment cannot be viewed due to covers. there is no way that an unqualified person is examining under my bonnet.
Page 19 25. Exterior of a Vehicle	<p>This is so poorly written and unmanageable; I don't know where to start on this:</p> <ul style="list-style-type: none"> • 5 stone chips is a slow month. • Does this include the underside of the vehicle such as the sump guards? • Who is authorized to confirm this? <p>Will laser micrometer be calibrated before assessment</p>
Page 19 25. Exterior of a Vehicle	West Berkshire Council do not repair roads, but want to put points on licence if vehicle is found to have chips, scratches or abrasions on vehicle, which have appeared because of the poor quantity of the roads.
Page 20 28. Advertising	Can we advertise inside the vehicle?
Pages 20 and 21 29. Temporary Replacement Vehicle	As already stated most Insurance supplied vehicles are PCO registered.
Page 22 30.1 Vehicle Standards	This reads that all rear loading vehicles are no longer acceptable
Page 22 30.2 Vehicle Type approval	all modifications are adaptations – How does this fit in with Page 65 (c) – must be of manufacturers design and construction. Which is it, adapted or manufacturers construction?

Ref	Comments
<p>Page 24 32 Rood Racks</p>	<p>Roof Racks – Trailers cannot be used with any licensed hackney carriage or private hire vehicle. Please</p> <p>see Page 41 points about trailers, which is it Trailers can be used, or not?</p> <p>Trailers should be a new heading, so easily seen</p>
<p>Page 24 and 25 33.2 Executive Hire</p>	<p>Having been involved with this trade for 30 years I can confirm that apart from School Contracts all other work is operated on a Preferred supplier basis. For exempted vehicle's you don't clarify how long we are meant to keep record's for.</p>
<p>Page 27 37.2 DBS</p>	<p>See my earlier comments. I am not going to keep repeating myself</p>
<p>Page 30 Title</p>	<p>Title should include Dual Licence</p>
<p>Page 30 4. Consideration of Disclosed Criminal History</p>	<p>Section 4.2 : Must have Enhanced DBS</p> <p>Section 4.3: Will except Basic DBS (I'm confused, which is it)</p> <p>4.4: As above.</p> <p>4.2 Applicants for the grant or renewal of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service. If a driver refuses to sign up to the update service, a drivers licence will only be granted for six months and a fresh application (together with fees etc.) will have to be made.</p> <p>4.3 Applicants for the grant of hackney carriage or private hire vehicle licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence.</p> <p>4.4 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate annually throughout the currency of the licence.</p>

Ref	Comments
<p>Page 31 4. Consideration of Disclosed Criminal History Para 4.7</p>	<p>Dual License has not been included</p> <p>The sole purpose of hackney carriage and private hire licensing is to protect the public. That is the only consideration the Council can take into account when determining an application for a licence or whether to take action against an existing licence (suspend, revoke or refuse to renew).</p>
<p>4. Consideration of Disclosed Criminal History Para 4.13</p>	<p>Outside of work, unless it is a legal issue it is none of the Council's concern. (BIG BROTHER STRIKES AGAIN)</p> <p>In determining safety and suitability the Council 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.</p>
<p>Page 31 4. Consideration of Disclosed Criminal History</p>	<p>Is there no statutory criteria for vehicles licences?</p> <p>4.11 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</p>
<p>Page 33 5. Drivers</p>	<p>Remove reference to taxi as a dual licence is not the same as a taxi licence</p> <p>5.1 As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a <u>taxi driver's licence</u>) and 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.</p> <p>5.2 A <u>taxi driver</u> 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.</p>

Ref	Comments
Page 34 9. Possession of a Weapon	<p>7-year ban, think the years of not being granted a licence should be revisited. Drugs are a ten-year ban!</p> <p>9.1 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 seven years have elapsed since the completion of any sentence imposed.</p>
Page 35 14. Motoring Convictions	<p>Dual Drivers not included</p> <p>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.</p>
Page 35 14. Motoring Convictions Paragraph 14.1	<p>There is nobody within the Licencing team who can pass judgement on my Professionalism. The only people who have that right are my clients</p> <p>14.1 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 <u>and</u> 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.</p>
Page 35 14. Motoring Convictions Paragraph 14.2	<p>Again professionalism, Remove it. The Council now considers itself above the law when that law says you are able to drive with up to 12 points but this council want's to take away someone's livelihood at 6 points, However, If you have a D1 licence you can drive a vehicle with 17 children in it legally. But you don't want them driving a car. Please confirm how many council's in England currently have this rule.</p> <p>14.2 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.</p>

Ref	Comments
Page 35 15. Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving	<p>I understand that it is permissible to make use of a hand held microphone for a two way radio whilst driving (appreciate it's not permissible for a hand held mobile phone) please clarify in the policy.</p> <p>15.2 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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>
Page 35 16. Other Motoring Offences	<p>Again the law say's 12 points. since when is the Council above the law. Again Council taking away peoples livelihood due to misdemeanors. We all know that the current system of 20 MPH speed limit is a purely money making scheme.</p> <p>16.1 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 <u>seven or more</u> points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.</p>
Pages 31, 33, 35, 36, 37 and 38	<p>What is the difference between safe and suitable and fit and proper or do they mean the same thing?</p> <p>4.9 The purpose of this policy is to lay down guidelines as to what West Berkshire Council regards as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the Council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.</p> <p>4.12 Fit and proper" means that the individual (or in the case of a private hire operator's licence or vehicle proprietors licence, the limited company together with its directors and secretary, or all members of a partnership¹) is "safe and suitable" to hold the licence.</p> <p>4.25 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council 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.</p>

Ref	Comments
	<p>5.3 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.</p> <p>14.2 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.</p> <p>19.2 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.</p> <p>20.2 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.</p> <p>1.3 The Penalty Points Scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other actions.</p>
<p>Page 36 17. Hackney Carriage and Private Hire Offences</p>	<p>Again, Dual is missing</p> <p>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 seven years have elapsed since the completion of any sentence imposed.</p>
<p>Page 37 20 Vehicle Proprietors</p>	<p>as stated above do you mean 14. Motoring on Page 35, please identify where above</p>

Ref	Comments
	<p>20.2 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.</p> <p>As outlined above – where – please state where</p> <p>20.3 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.</p>
<p>Page 37 21. Licences Issued by Other Licensing Authorities</p>	<p>Should the words this Council be replaced with West Berkshire Council?</p> <p>21.1 Applicants who hold a licence with another Council should not automatically assume that their application will be granted by this Council. Each case will be decided on its own merits</p>
<p>General</p>	<p>How many Councils have a PPS?</p>
	<p>V2 - Failure to have or maintain illuminated markings at entrances and exits</p> <p>On some vehicles the rear door is considered an exit but would not be suitable for this purpose.</p>
<p>Page 39 to 42 Table 2 - List of Offences/Breach of Vehicle Licence Conditions/Byelaws</p>	<p>V3 - Failure to have/maintain grab handles</p> <p>Not all cars are built with grab handles at every access point so how will this be assessed</p> <p>V5 - Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority</p> <p>Should include 'only if a WAV'</p> <p>V6 - Failure to keep a wheelchair access vehicle available without modification at all times</p> <p>Should include 'only if a WAV'</p> <p>V7 - Failure to provide an annual LPG safety compliance Certificate</p> <p>Should be 'if applicable'.</p> <p>Please remind reader where to find LPG safety compliance regulations.</p>

Ref	Comments
	<p>V10 - Failure to display approved roof sign</p> <p>V11 - Failure to maintain standard roof sign in good working order</p> <p>V12 - Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.</p> <p>V13 - Failure to display front door signs.</p> <p>V14 - Displaying incorrect signs i.e. wrong wording or magnetic</p> <p>V15 - Displaying other sign on front door</p> <p>Should state applicable to HC Only as not applicable to PH</p>
	<p>V-18 Display web site address <i>large</i> lettering than permitted</p> <p>Should say <i>larger</i></p>
	<p>V19 - Failure to display three or more “no smoking” signs in the vehicle</p> <p>No Smoking signs. Currently requirement is one per area. As smoking is illegal anyway, why is this required. Should be optional.</p>
	<p>V20 - Private hire displaying the word taxi</p> <p>Cabco P/H vehicles say Cabco. Why allowed so far this is not a new rule?</p>
	<p>V21 – Incorrectly displaying vehicle licence plate</p>
	<p>V22 - Failure to return plate on expiry of licence if requested to do so by Licensing Staff</p> <p>Return plates, Dept. never asks for them.</p>
	<p>V26 - Failure to submit taximeter for testing when requested to do so by Licensing Authority.</p> <p>Taximeter testing H/C Blanket cover Should be where applicable.</p>

Ref	Comments
	<p>V 28 – Failure to display a statement of fares inside the HC</p> <p>When using an acronym, ensure it is defined somewhere; unless the fares are to be displayed inside High Court</p>
	<p>V32 - Failure to supply steering geometry and alignment reports following an accident if required</p> <p>Steering geometry reports. Would anybody within the team know how to read it so why?</p>
	<p>V 33- Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks</p> <p>Sentence is missing an object – leaving the vehicle on what?</p>
	<p>V36 Failure to keep copy of insurance/cover note in the vehicle</p> <p>this is not a legal requirement.</p>
	<p>V38 - Failure to produce details to the Licensing Authority of drivers permitted to drive</p> <p>V39 - Failure to notify change of drivers</p> <p>This is not referenced yet. Appendix B should not Reference Appendix F; or any other appendix. Appendices are design to be pulled by the covering document, not other appendices</p> <ul style="list-style-type: none"> • Appendix F section 4.5 for clarity
	<p>V41 - Failure to carry a suitably marked approved fire extinguisher within the vehicle</p> <p>Drivers are not trained how to use extinguishers. Should there be a fire, the best action is to think first of personal safety. Using a fire extinguisher could cause more damage. Maybe the trade has to visit a Fire Station and be trained as fire fighters, so we can be qualified to use Fire Extinguisher.</p> <p>Fire Extinguisher needs replacing as “out of date”, so why have them, we can’t use them. Page 67 – passengers need to see a sign of where the Fire Extinguisher is, but I would say passengers are not legally allowed to use such, as they may not be Fire Fighter trained, also insurance problems.</p>

Ref	Comments
	<p>V42 - Failure to carry marked first aid equipment as specified in conditions</p> <p>Drivers are not trained in medical procedures. Driver can only offer First Aid Box, also Covid or any other spreadable disease, is a concern in touching people. Drivers could be in legal trouble, as driver could apply a plaster/bandage to a person who has medical issues with such products. Maybe the trade needs to visit a hospital and become medically trained, so we can assess people before using First Aid Box. So why have a First Aid Box, which gets binned because it is "out of date".</p> <p>First aid kit. Have it, won't offer it unless self administered 1st aid</p>
	<p>V43 - Failure to obtain written permission to use trailers on Licensed vehicles</p> <p>V44 - Failure to present vehicle and trailer for inspection</p> <p>V45 - Failure to present vehicle and trailer for inspection</p> <p>Page 24 says NO trailers allowed. So, which is it?</p> <p>Section 32 - Trailers cannot be used with any licensed hackney carriage or private hire vehicle.</p> <p>Why can a PH or HC driver tow a trailer, but not a Dual Driver, explain.</p>
	<p>V45 - Using a dual driver without the appropriate DVLA category code to tow a trailer</p> <p>Not in line with current law as it poses a security risk.</p>
	<p>V46 - Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers</p> <p>Radio equipment, Again blanket cover</p>
	<p>V47 - Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence</p> <p>Number of passengers conveyed, Owner/ operator not present so driver's responsibility.</p>

Ref	Comments
	<p>V54 - Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act</p> <p>V55 - Failure to have three CCTV signs</p> <p>V56 - Failure to check CCTV weekly</p> <p>V57 - Disconnecting CCTV system</p> <p>V58 - Obstructing CCTV Camera</p> <p>CCTV is still currently optional</p> <p>V59 - Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation</p> <p>How is this being enforced in licenced vehicles used as wedding cars?</p>
<p>Pages 42 to 44</p> <p>Table 3 - Breaches of Dual Driver Licence Code of Conduct</p>	<p>D1 - Driver not clean and respectable in their dress</p> <p>D2 - Driver not complying with the Dual Drivers Dress Code</p> <p>This is not defined at current in this document – Appendix B should not reference Appendix C. See comment on V38.</p> <p>What is a Dual Drivers Dress Code? Why is the dress different from another driver’s dress</p> <p>D6 - PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking</p> <p>D7 - Driver of PH vehicle plying for hire</p> <p>Why is PH (Private Hire) listed in the Dual Driver Licence Code of Conduct?</p>

Ref	Comments
	<p>D10 - Not displaying second badge in the vehicle which is visible to passengers being conveyed in the vehicle</p> <p>Inferred contradiction of section 13.</p> <p>13 Licences and Badges</p> <p>Drivers are issued with two badges and an armband. One of the badges must be displayed in the armband which must be worn on the left-hand arm of the driver so it is visible to passengers in the vehicle. The other badge must be displayed within the vehicle so it is visible to passengers. Both the badges and the armband remain the property of the Council and must be returned immediately on expiry, suspension or revocation of the licence</p>
	<p>D12 – Failure to supply annual self-declaration and fee (1st Occasion)</p> <p>D13 - Failure to supply annual self-declaration and fee (2nd occasion)</p> <p>No guidance as to what the self-declaration is.</p> <p>Please explain what is an annual self-declaration?</p> <p>What is the Fee?</p> <p>Why isn't there the same list for Private Hire drivers</p>
	<p>D14 - Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty</p> <p>See V45 - Using a dual driver without the appropriate DVLA category code to tow a trailer</p>
	<p>D19 - Failing to carry or ensure safety of passenger luggage</p> <p>Personal safety first, if luggage is too large/heavy, then it would be dangerous to carry luggage. Reasonable assistance, where possible</p>
	<p>D20 - Failing to offer reasonable assistance with luggage</p>

Ref	Comments
	<p>Surely D19 and D20 could be combined?</p> <p>D50 - Failure to keep vehicle reasonably clean</p> <p>Define 'reasonably'.</p> <p>Difficult in bad weather. When will West Berkshire Council put the roads and lanes in good order, so vehicles do not get muddy and dirty? So, keeping a vehicle reasonably clean could be possible.</p>
<p>Pages 45 and 46 Table 4 - Breaches of Operator Licence Conditions – Private Hire</p>	<p>O6 - Failure to provide evidence of public liability insurance for premises</p> <p>P/L for premises where applicable. again blanket cover.</p> <p>O10 - Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence</p> <p>Number of passenger's is Driver's responsibility.</p> <p>O19 – Failure to keep proper records for a period of not less than six months</p> <p>O20 - Failure to keep proper records</p> <p>No definition of 'Proper'</p> <p>O24 - Displaying the word Taxi or Cab on a private hire vehicle</p> <p>Is it private hire of Private Hire?</p> <p>Taxi or Cab on vehicle. Nothing new so act on it.</p> <p>O29 - Using unlicensed drivers to drive a Licensing Authority licensed vehicle</p> <p>WBC do not want to take action, when such is reported to them</p> <p>O35 - Failure to make appropriate checks of any operator for which work is outsourced</p> <p>Define appropriate checks or does this mean 'due diligence'</p>

Ref	Comments
	<p>O36 - Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority</p> <p>I cannot see the purpose on this.</p> <p>O37 - Failure to require notification of convictions as part of the contract of employment</p> <p>How does the council define 'contract of employment' in conjunction with the IR35 framework definition and clause 55b of Local Government (Miscellaneous Provisions) Act 1976 (Chapter 57).</p>
<p>Page 47 Table 5 - Breaches of Council Byelaws Relating To Hackney Carriages</p>	<p>B11 - Driver or proprietor allowing more persons to be conveyed than the licence allows</p> <p>Covers driver or proprietor, in conjunction with O10, D16 and V47, is this not repetitive</p> <p>O10 - Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence</p> <p>D16 Driver carrying greater number of persons than the number specified on the licence</p> <p>V47 - Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence</p> <p>B12 - Failure by driver to carry the badge provided by the Licensing Authority when plying for hire.</p> <p>We are being told to wear an armband on our left upper arm. So, which is it, carry or wear? Which badge are you talking about? Vehicle or driver?</p> <p>B13 - Failure to provide when requested reasonable assistance with luggage</p> <p>If the driver fails to offer reasonable assistance with luggage, is this a 2 point offence (B13), 4 point offence (D20 & B13)?</p> <p>D20 - Failing to offer reasonable assistance with luggage</p>

Ref	Comments
<p>Page 48 2. Your Taxi Drivers Licence And Badge</p>	<p>Armbands, since when have we become doormen. to the best of my knowledge this is not required anywhere else.</p> <p>What colour is the armband? (text says coloured armband)</p> <p>Taxi Drivers Code of Conduct. These pages could be identified content listing properly, so person reading, knows where Code of Conduct can be found to read, - Page 48 not Page 13.</p> <p>2.2 Return your licence, badge and armband if you change home address – why?</p> <p>Page 82 9. Operators who changes address inform Council within seven days of changing home address. Why the difference?</p> <p>Why would you need to return Badges for a change of address. It's not on them.</p> <p>(a) Why should a driver not be able to carry on working, just because driver moved home address. Driver needs licence, badge and armband to work.</p> <p>2.3 Loss of licence, badge or armband report to Licensing Team – Page 70 2.1 plate stolen report to police, then council. So stolen items such as licence, badge or armband, i.e. stolen identity, not to be reported to police.</p>
<p>Page 49 3. Deposit Of Taxi Driver Licence When Working For Others</p>	<p>3.1 Any Hackney Carriage which you will be using – do not think this paragraph is written correctly. Only Dual/Hackney Carriage Licence holder can drive a Hackney Carriage Vehicle. Please explain if different.</p> <p>You must give your taxi driver licence to the private hire operator when driving private hire vehicles, or proprietor of any hackney carriage which you will be using. They will keep your licence while you are driving for them.</p>
<p>Page 49 7. Declaration Of Conviction / Caution / Penalty</p>	<p>As you are not required to notify Insurance companies of speed awareness courses. why does the Council think it should now. If not told you have no way of checking.</p>

Ref	Comments
	<p>Speed awareness courses are quite honestly none of your business.</p> <p>6.1 You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders), CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders to West Berkshire Council on your initial application form.</p> <p>6.2 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within 72 hours of the event.</p>
<p>Page 50 7.Driving</p>	<p>7.6 Sometimes there is nowhere to park vehicle, so vehicle could block driveways or park on pavements (i.e.heavy built up housing developments). If WBC could please widen pavements, driveways, rural lanes, then maybe this could be avoided.</p> <p>Page 59 18.35 says drivers have to carry luggage to and from building – this at times could not be possible, as vehicle would need to be parked on a pavement/driveway/on a Red Route, outside an airport, not enough room in many areas. When will West Berkshire Council repair roads/lanes/local highway/pavement to ensure there is enough room for all?</p>
<p>Page 51 9. Conduct And Behaviour</p>	<p>9.14 many times a telephone call is requested or made to the passenger, to inform them transport has arrived, how is operator/driver supposed to know the caller is under the age of 18. Re write please. The driver needs the telephone number of under 18's, to inform passenger where they are standing in Airports!!</p> <p>You must not obtain the telephone numbers of, or engage in any form of social media contact with anybody under the age of 18.</p>

Ref	Comments
Page 52 9. Conduct And Behaviour	<p>9.16 Please explain your idea of “reasonable request”, there will be passengers that could see a different request as reasonable. Please find a way of rewriting this, to show a good understanding of reasonable that a female driver would accept.</p> <p>You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.</p>
Page 52 9. Conduct And Behaviour	<p>9.18. You must always assist your passengers with their luggage. As previously commented, personal safety first, it is not always possible to assist with passenger heavy luggage, reasonable assist – I agree – if possible. Page 59 18.35 states taking luggage to a building – 9.18 says sitting it down, which is it?</p> <p>9.18 You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.</p> <p>Page 59 When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw 14).</p>
Page 53 Section 10.8	<p>10.8 users, shorts or skirts must be tailored and made of one colour of material</p> <p>How is this enforceable? Are pinstripe suits not acceptable? Is this in contradiction of religious dress? Why should clothes be tailored and made of one colour of material? Explain. So apparently we now can't wear striped or checked trousers?</p> <p>10.7 Skirts must be no shorter than 5cm above the knee (when standing) and can be of any longer length, but must not impede the safe operation of the pedals.</p> <p>Acceptable standards of dress. The council need to be very careful here, if council believe they have the right to Voyeurism (Act 2019). I as a female, would NOT be comfortable if a District</p>

Ref	Comments
	<p>Councillor from West Berkshire Council Licensing Committee (only one female on this Committee), wished to measure my skirt, or take a picture, as part of their duty as a District Councillor/Committee member, to ensure my skirt is no shorter than 5cm above the knee. From what part of the body said person wishes to measure from? Knee in front of me? I think this is disgraceful.</p> <p>10.3 Collared shirts, blouses, polo shirts, or sweat shirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.</p> <p>Many tops are smart in appearance but not cover the shoulders, why should West Berkshire Council think they can say which clothes anyone should wear. In extreme weather/body heat, there is a need to release body heat and not trap it. As there is only one female on Committee, maybe my comments are not understood.</p> <p>10.6 Trousers can be either full length or shorts</p> <p>Why isn't the length of trousers or shorts not at a measured length?</p> <p>10.10. (f) No baseball caps or hoods worn up whilst in the vehicle.</p> <p>Baseball caps/hoods can be worn whilst outside of vehicle!!!! Lovely dress code?</p> <p>Please explain why dresses cannot be worn? Or free flowing clothing to help keep body cool?</p> <p>Should council wish to get into debate about clothing, I will print off pictures of what they are suggesting is correct, against them being incorrect to dictate about clothing.</p> <p>Would like to suggest trousers are worn about the waist, the aid of braces would acceptable.</p> <p>There is so much more that could be mentioned about dress code, such as facial hair, height of hair.</p>
<p>Page 53 11. Use Of The Vehicle</p>	<p>No smoking. You have just stated that it is a criminal offence, which everybody knows, so why do we need sticker's</p>

Ref	Comments
	<p>11.1 Private hire vehicles and hackney carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct.</p>
<p>Page 53 11. Use Of The Vehicle</p>	<p>Not eating in vehicle. Some passengers may have medical reasons why they need to eat in vehicle, when driving on a smart motorway it is not allowed to pull over for passenger to get out and eat. Eating/drinking could be at the driver's discretion.</p> <p>Some pupils young of age, get hungry, with a long journey eating their packed food from school, keeps them occupied, calm and helps time go by. Again, how can young people eat on a long motorway journey?</p> <p>Break times for drivers, will have to stand out in bad weather and try to eat and drink, as not allowed to do so in vehicle.</p> <p>Passengers eating or drinking in cars should be at drivers discretion.</p> <p>11.2 You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at any time.</p>
<p>Page 54 11. Use of the Vehicle</p>	<p>Carry a reasonable amount of luggage, - this may not be possible if all luggage is large, personal safety first.</p> <p>11.5 You must carry a reasonable amount of luggage and assist passengers in loading it and unloading it from the vehicle.</p>
<p>Page 54 13 Vehicle Checks</p>	<p>ID Plates displayed where applicable (Exempted Vehicles)</p> <p>13.2 Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can</p>

Ref	Comments
	<p>be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.</p>
<p>Page 55 14. Lost Property</p>	<p>To charge £10.00, this has to been on the Tariff Card</p> <p>14.2 If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.</p>
<p>Page 58 Conduct</p>	<p>Must not leave Hackney Carriage unattended (at a hackney Carriage stand), but Page 59 18.35 states passengers to/from any building!!! Drivers cannot leave vehicles unattended on Red Routes, Airports etc.</p> <p>Rather misleading as a prosecution could be issued.</p> <p>18.17 You must not leave a hackney carriage unattended at a hackney carriage stand (section 62 Town Police Clauses Act 1847)</p> <p>18.35 - When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw 14).</p>
<p>Page 59 Conduct</p>	<p>18.35 Must carry a reasonable quantity of luggage, as already written, personal safety first, luggage could be too big/heavy. To take luggage to/from building, again, personal safety, some drivers would not be able to do this. Some buildings drivers arrive at, have entrance doors too far away – driver should not leave a Vehicle unattended. Country lanes do not allow for vehicles to be parked up, whilst drivers try to move luggage to a gate/door for entrance. This is not always possible although Hackney Carriage Bylaw 14</p>

Ref	Comments
<p>Page 59 19. Legal Requirements (Contained In National Legislation) When Driving A Private Hire Vehicle</p>	<p>This should include a preface of dual licence; the document jumps between terminology throughout.</p>
<p>Page 59 Your taxi Driver Licence and Badge</p>	<p>Why armbands. not suitable for Executive Work.</p> <p>19.1 When driving a private hire vehicle you must wear one copy of your badge in the issued armband, on your left upper arm at all times whilst you are working as Private Hire Driver. You commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976).</p>
<p>Page 60 Disability Discrimination</p>	<p>Duties are: - To carry the passenger while in the wheelchair. Really!!! Could you rewrite this</p> <p>19.4 The duties are:</p> <ul style="list-style-type: none"> (a)to carry the passenger while in the wheelchair; (b)not to make any additional charge for doing so; (c)if the passenger chooses to sit in a passenger seat, to carry the wheelchair; (d)to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; (e)to give the passenger such mobility assistance as is reasonably required

Ref	Comments
Page 62 1. General	How will the Council enforce the vehicle from working? 1.2 If the vehicle is licensed by any other Council, the proprietor must immediately stop carrying out any work under their West Berkshire Council licence. They must return the licence issued by West Berkshire Council to the Licensing Team of West Berkshire Council within five working days.
Page 63 2. Identification Plates and Cards	What is the additional signage? 2.4 All vehicles must display the additional signage correctly at all times.
Page 63 2. Identification Plates and Cards	Hackney Carriage Vehicle 2.5 – Check do HCV have a licence card in the rear windscreen? 2.5 All vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.
Page 63 3.1 Vehicle Maintenance	Why are bulb kit requirements kept here? As most modern cars are now fitted with a certain amount if not all sealed light unit's this is both impracticable and pointless. 3.1(h) The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs.
Page 63 3.1 Vehicle Maintenance	As most vehicles are owner driven, on the grounds of personal safety this is a rather pointless exercise resulting in storing up to 31 pieces of additional paperwork in the vehicle 3.1 (j) The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

Ref	Comments
Page 64 Vehicle Maintenance	<p>Surely you mean current paperwork, would be a big file to have with all paperwork?</p> <p>3.3 The proprietor of the vehicle must provide a copy of all Hackney Carriage Test certificates to the Council within seven days of receiving them.</p>
Page 65 6. Wheelchair Accessible Vehicles (WAV's)	<p>wheelchair equipment of manufacturers design and construction – how does this fit in with vehicles that have been modified for wheelchair use? See Page 22 30.2 Vehicle Type Approval. Which is it – adapted or not?</p> <p>6.1(c) All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.</p> <p>30.2 Vehicle Type Approval</p> <p>All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, re-tested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.</p>
Page 65 8. Tyres	<p>So what you are saying is that an mot is now no longer a valid document as they are obliged to pass a vehicle as long as it has 1.4mm of tread depth.</p> <p>8.1 All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.</p>
Page 65 8. Tyres	<p>Not all vehicles have spare wheels. Please rewrite second line, to - person to deal with repair. Would be waiting a long time for vehicle to carry out repair.</p>

Ref	Comments
	<p>8.3 The vehicle must be equipped at all times with, a spare wheel or other manufacturer's standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).</p>
<p>Page 66 10. Seats and Passengers</p>	<p>Under current UK Law it is the responsibility of adults to ensure the wearing of seat belts. it is only the driver's responsibility for minor's. why more sticker's ?</p> <p>10.2 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided</p>
<p>Page 66 10. Seats and Passengers</p>	<p>Missing 10.4, 10.5 and 10.6. These are found on Page 74 Private Hire Vehicle Conditions, surely these conditions should be for both (eating, alcohol and communication)!!!</p> <p>From page 74</p> <p>10.4 Any drinking vessels provided by the proprietor or driver of the vehicle must be made of either toughened glass or plastic.</p> <p>10.5 If any passenger is under the age of 18 years no alcohol in open vessels can be carried in the vehicle.</p> <p>10.6 The proprietor must ensure that there is sufficient means by which any person in the vehicle may communicate with the driver.</p>
<p>Pages 53-66</p>	<p>10.4 - 11.2 from Page 53, states no eating – but 10.4 passengers can drink!!!</p> <p>Some passengers may for medical reasons need to eat or drink. Re wording required in the different places.</p> <p>Why won't someone wish to drink after eating. Think of environment and other materials, - drinking vessels to be of toughened glass or plastic – really!!!!</p> <p>Driver should have discretion if passenger is to eat and drink, especially on medical grounds, although I do understand the trade have bad situations with drunk people, people eating greasy</p>

Ref	Comments
	<p>food, then get into car and put messy fingers about, the next passenger could be from a wedding and not want a dirty car, but driver cannot see mess in dark hours.</p>
<p>Page 66 11. Advertising</p>	<p>11.2 is missing, see Page 74 for missing article.</p> <p>11.2 Page 74 states</p> <p>Advertising on the outside of the vehicle is restricted to the name and telephone number of the proprietor or operator of the vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the vehicle, unless written permission is obtained from the Council.</p>
<p>Page 68 16.2 Vehicle Damage</p>	<p>Private Hire Vehicle – this section is about Hackney Carriage Vehicle Licence conditions.</p> <p>16.2 A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determine that the vehicle is unfit for use as a <u>private hire vehicle</u>, a suspension notice under section 68 Local Government (Miscellaneous Provisions) Act 1976 will be issued.</p>
<p>Page 69 18. Deposit of Licence</p>	<p>18.1 and 18.2 Dual Driver Licence – this section is about Hackney Carriage Licence conditions</p> <p>18.1 The proprietor must not allow the vehicle to be driven by any person who does not hold a current <u>Dual Driver Licence</u> issued by the Council.</p> <p>18.2 If the proprietor permits or employs any person to drive the vehicle, that person must deposit their <u>Dual Driver Licence</u> with the proprietor who must, retain and safely store it until such time as the driver ceases to be permitted to drive the vehicle, at which point it must be returned to the driver.</p>
<p>Page 70 3. Maintenance of Vehicle</p>	<p>This is so poorly written and unmanageable; I don't know where to start on this:</p> <ul style="list-style-type: none"> • 5 stone chips is a slow month. • Does this include the underside of the vehicle such as the sump guards? • Who is authorized to confirm this? <ul style="list-style-type: none"> ○ Will laser micrometer be calibrated before assessment?

Ref	Comments
	3.1(b) Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
Page 71 3. Maintenance of Vehicle	<p>Bulb kits are referred to here but would make more sense in section 13</p> <p>As previously mentioned, most modern cars are fitted with sealed LED unit's that prevent the changing of bulb's by other than a garage</p> <p>3.1 (g) The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs.</p> <p>Section 13 is the section on safety equipment (fire, first aid and radio equipment)</p>
Page 71 3. Maintenance of Vehicle	<p>Again this will involve storing up to 31 pieces of paper within the vehicle (any suggestion's as to where) the proprietor will then have to store an additional 180 pieces of pointless paper.</p> <p>3.1 The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.</p>
Page 72 3.Maintenance of Vehicle	<p>No definition of 'Authorised Officer'</p> <p>3.2 If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle</p>
Page 73 8.1 Tyres	<p>Poor grammar, the additional requirement should be a subclause of the statement, not part on the actual statement such as the use of ';' or ', additionally the licensed vehicle.....' – I'm not going to do the work for free when the council paid a barrister to do this initially.</p>

Ref	Comments
	<p>This ruling will potentially invalidate an approved MOT. As testing station has to pass as long as 1.4 mm tread depth.</p> <p>8.1 All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.</p>
<p>Page 74 9. Alteration of Vehicle</p>	<p>I am assuming that for this regulation the council will have an appropriately calibrated light meter to be able to check compliance as manufacturer's do not supply certificates of conformity.</p> <p>9.3 All glazing must at all times comply with The Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.</p>
<p>Page 74 10. Seats and Passengers</p>	<p>This is hardly a new requirement why does it now require an additional notice</p> <p>10.2 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.</p>
<p>Page 74 11. Advertising</p>	<p>Duplication of Section 28 of the main policy.</p>
<p>Page 74 11. Advertising</p>	<p>What action is the Council taking regarding the current illegal action of Cabco having there name all over there Private Hire vehicles, This should be dealt with as a matter of urgency as it has been going on for years with the licencing team ignoring this deliberate breaking of the law.</p> <p>11.1 The proprietor must not display or permit to be displayed on or from the vehicle any sign or notice which consists of or includes the word "Taxi" or "Cab" whether in the singular or plural or "Hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word</p>
<p>Page 75 13 Safety Equipment</p>	<p>When referring to a BS standard, the year is also required (BS 8599-2:2014)</p>

Ref	Comments
	<p>13.1 Fire Extinguisher - A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the vehicle registration and vehicle licence number. This must be securely fixed in the vehicle and must not be located in the passenger compartment. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.</p>
<p>Page 75 15 Taximeter (if fitted)</p>	<p>where is the list of approved Taxi Meters?</p> <p>15.1 If the private hire vehicle is fitted with a taximeter it must be of a type approved by the Council, and that meter must be kept in good repair and proper working order at all times.</p>
<p>Page 75 15 Taximeter (if fitted)</p>	<p>Driver needs to alter the tariff rate for different dates and times on the tariff card!!</p> <p>15.2 All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request</p>
<p>Page 77 20. Display of Conditions</p>	<p>No determination of what classifies as the 'Conditions'. Is it all 85 pages of just appendix E?</p> <p>20.1 The proprietor must, have a copy of these conditions within the vehicle, for inspection by passengers, at all times.</p>
<p>Page 78</p>	<p>Private Hire Operator conditions. So many repeats from previous pages, with the same errors.</p>
<p>Page 79 2. DBS Checks</p>	<p>This refers to the Council's Previous Convictions Policy but this is not a published document on westberks.gov.uk</p> <p>2.3Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce and apply a policy on the employment of ex-offenders in those roles. This policy should be based on the Council's Previous Convictions</p>

Ref	Comments
	<p>Policy. The policy must be available for inspection on request of an authorised officer of the Licensing Authority. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Previous Convictions Policy standards will lead to consideration by the Council as to whether the operator remains a fit and proper person.</p>
<p>Page 79 3. Vehicle and Driver Licences</p>	<p>This is not possible in accordance with Section 13. The drivers are issued with 2 badges. If 1 is in the armband and 1 is on display in the vehicle, which 1 is given to the Operator. Would a copy held be the operator suffice?</p> <p>3.1 The operator must inspect and retain all the private hire vehicle licences and dual driver licence or private hire licences of vehicles and drivers operated, engaged or otherwise utilised by the operator. Those licences must be stored securely and retained for as long as the vehicle or driver is operated by that operator. At the end of that they must be returned to the vehicle proprietor or driver as appropriate.</p>
<p>Page 80 4. Records</p>	<p>Sharing section 4.2a may be in breach of data privacy and passenger safety</p> <p>4.2 (a-d) Due to companies requiring NDA's this information will be held by us but will not be provided to the Council as a matter of law</p> <p>4.8 All records and retained licences must be available for inspection at any reasonable time by an authorised officer of the Council or a police officer.</p> <p>Section 4.2(a) the name of the passenger or other identifying features e.g. hotel room number;</p>
<p>Page 80 4. Records</p>	<p>Reference to Contract- Companies do not provide contracts for Taxi/ Private Hire/ Executive Hire. we are classed as preferred suppliers. We currently have to provide details of work carried out to maintain dispensation status.</p> <p>4.2 (k) If the vehicle being used is covered by a dispensation, the details of, or a reference to, the contract under which the work is undertaken.</p>

Ref	Comments
<p>Page 80 4. Records</p>	<p>Please explain how this is meant to work when using sub contractor's who have there own operator's licence.</p> <p>4.4 The operator must also keep records of all vehicles operated by them. These details shall include:</p> <ul style="list-style-type: none"> (a) details of the proprietor(s)/licensee; (b) registration number; (c) any radio call sign used; (d) maintenance history of the vehicle.
<p>Page 80 4. Records</p>	<p>Does this council actually beleive that we as working operator's have nothing else to do but sit and provide them with paperwork that they are highly unlikely to even look at. the driver's that we use are also operator's in there own right's, therefore making this all the more pointless.</p> <p>4.5 The operator must keep up to date records of the names and addresses of all licensed drivers who are used by the operator. The operator must provide the Council with a list of the following at the end of each calendar month, to arrive within seven working days:</p> <ul style="list-style-type: none"> (a) the date any driver began working for, or being available to be operated by the operator; (b) when any driver's activity detailed above ceased; (c) any change of address of any driver in service; (d) when they became aware that any driver was suffering from any illness, disability or condition which may have affected the driver's ability to safely carry out their duties.
<p>Page 81 5. Standards of Service</p>	<p>How is this meant to work with companies such as Go Green who operate in several district's. and call's go to a central point and are then allocated</p> <p>5.2 (b) Ensure the vehicle dispatched is a West Berkshire Council licensed private hire vehicle and the driver of the vehicle is a West Berkshire Council licensed private hire driver.</p>

Ref	Comments
Page 81 6. Ride Sharing/Car-pooling	<p>Not all customers are suitable for vehicle sharing. This could be an option, not a condition.</p> <p>Does this actually happen in West Berks or is this meant for Bracknell</p> <p>6.1 At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.</p> <p>6.2 As part of ride sharing/carpooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.</p>
Page 83 11. Advertising	<p>Refer back to Cabco's illegal advertising</p> <p>11.1 The operator must not display or permit to be displayed on or from their premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning except where the operator also takes bookings for hackney carriages.</p>
Page 83 14. Working Hours	<p>To remember Page 53 11.2 Driver/passengers are not to eat in vehicle. So, break time in the bad weather and nowhere to go, because next pick up is around the rural lanes, drivers has to stand in the pouring rain to have a break from driving and have something to eat outside of vehicle. Driver can drink in vehicle.</p> <p>Clarify please driving hours, is this time actually hours driving or in vehicle. are you suggesting tachos be installed,. this as already been veteod by the European courts, plkease explain how this is meant to work.</p> <p>14.1 The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted to drive for more than ten hours per day and must have a break lasting at least 30 minutes after driving for five and a half hours. The driver must also have a break at the end of this period, unless it is the end of the working day.</p>

Ref	Comments
Page 84 17. Informative	<p>Adjust, if “The act of God”, vehicle breakdown, how can the operator be responsible for break of contract? Operator could inform passenger of flooding for example, that no vehicle is able to reach address.</p> <p>That all drivers have failed their resit of Highway Code/Driving Test/Knowledge Test.</p> <p>17.1 The operator must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting the operator if such circumstances arise.</p>