

## APPENDIX B

### Hackney Carriage and Private Hire Licensing Policy – Consultation Meetings Comments

Para No.	Heading	Comment	Officer Recommendation/Reasons
	Front Page	It was queried whether it was necessary to have a fixed timescale for the policy as there was no mandate for that. It would save a lot of time for officers if it could be managed via version control.	Officers note: statutory standards 3.1 35.11.2022 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. Licensing authorities should review their licensing policies every 5 years but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.
	Front Page	It was queried whether the local authority should be known as West Berkshire Council or West Berkshire District Council. Include the definition in the Scope section.	Confirmed that West Berkshire District Council was the legal name of the authority, but it was known informally as West Berkshire Council.
	Contents	DB felt that the document could be condensed down and cross references included to other pages.  Information in the policy was repeated in the Appendices.	Confirmed that Officers could look at this but it was a contents page which was automatically generated rather than an index. Officers would look at the use of the wording policy, but it was removed, but the appendices were designed to make each licence type a stand-alone section and therefore easier to read.
1a	Introduction	DC said that this was a policy and not legislation.	Officers do not see an issue with the wording but will ask legal for confirmation who confirmed wording appropriate.
1b	Introduction	Second line – define the word ‘services’	Defined
1b	Introduction	It was queried who managed unlicensed vehicles?	This would be an enforcement issue of unlicensed vehicles - this is a policy in relation to the licensed trade
1b	Introduction	‘Ensuring licenced vehicles were available where and when required’. It was queried how that would be controlled.	Added
1d	Introduction	Move this paragraph into section 2 – Scope	Updated
1e	Introduction	Include a link to the website for the policy, application forms and current fees.	It wasn’t put in the consultation document as the website was being changed and therefore it was not available. Added
2d	Scope	After the words ‘ <i>Only a licensed driver can drive a licensed vehicle</i> ’ add the words ‘ <i>for hire or</i>	Legal confirmation that a licensed vehicle can only be driven by a licensed driver at any time LGMPA 1976 PHV s46 (1) (b) (Benson v Boyce 1997)

Para No.	Heading	Comment	Officer Recommendation/Reasons
		<i>reward</i> .	TPCA 1847 HCs 46 (Hawkins v Edwards)
3c	Legislation, Byelaws, Guidance and Policy	Remove this paragraph as it was a duplication of 3a.	LP updated
4c	Applications for Licences	Timescales should be included for an application to be determined.	Checked and agreed that that would be included in the Service Level Agreement. Once an application is deemed valid the SLA is 5 working days to grant the licence
4f	Applications for Licences	This paragraph states that no reminders would be sent out but DC said that this was a change to policy and he queried what the process was for alerting the trade.	Explained that the expiry dates were included on the licences. It was not possible for the team to send out reminders and it would be the responsibility of individual drivers to make sure that they applied for a renewal in the appropriate timescale. She would include an item in the next newsletter to remind drivers of this requirement. No reminders will be sent out but may be possible in future.
6b	Suitability to Hold a Licence	Include the word ' <i>stipulated</i> ' before the words ' <i>driver education courses</i> '.	LP updated
6b	Suitability to Hold a Licence	'48 hours' to be amended to '72 hours'.	The statutory standards state 48 hrs so not amended
6b	Suitability to Hold a Licence	5 <sup>th</sup> line amend to read – 'In addition, all operators <i>or their nominated person</i> ...'.	Reword to say 'in addition all licence holders are required'
6	Suitability to Hold a Licence	DC asked if Legal could check this section to clarify what the Council actually means.	Officers do not see any issue with current wording
7b	Enforcement	Include a link to the Enforcement Policy.	To be added
7c	Enforcement	Remove the word 'Generally'.	Updated
7c	Enforcement	Third paragraph – word should be ' <i>failing</i> ' and not ' <i>falling</i> '.	Updated
8a	Action against Licences (Suspension, Revoke or Refuse)	This paragraph refers to Part II of the Local Government (Miscellaneous Provisions) Act 1976. Should Part I of that act also be referenced?	Part 1 is nothing related with PH/HC licences. Part 1 contains sections on Highways, Housing, Heating, Land, Bathing and boating, places of entertainment, Dangerous trees and excavations, Alterations of supplemental provisions of Public Health Acts, Financial provisions and other miscellaneous items.
8b	Action against Licences (Suspension, Revoke or Refuse)	There is a discrepancy between this paragraph and paragraph 6d.	It says the same thing although slightly differently - could remove 6d and reword 8b? Re-worded and removed 6d
9a	Appeals	Should other licences be referenced in this paragraph.	Added dual driver, PH driver, PH vehicle and PH operator instead of A drivers licence MG
10a	Hackney Carriages and Private Hire Vehicles – Applications for Vehicle Licences	Third line – change to 'a proprietor is the <i>lessee</i> in possession ...'	Legal view – wording is fine

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10c	Hackney Carriages and Private Hire Vehicles – Applications for Vehicle Licences	Delete the words '(or, in the case of imported vehicles, manufactured)'	<p>Agree with the trade on removing imported vehicles, however a date requires to be set by Cllrs as to when any currently licensed vehicles that have been imported need to be removed from the fleet. Officers recommend no later than 01 January 2027.</p> <p>Officers recommend adding in: Any vehicle categorised as Category A, B, N or S vehicles will not be licensed. Any current licensed vehicles under any of these categories will not be permitted to be relicensed upon renewal.</p>
10d	Hackney Carriages and Private Hire Vehicles – Applications for Vehicle Licences	Change 'Euro 6' to ' <i>Euro 5 and 6</i> '. Not requested confirmed at 2 <sup>nd</sup> meeting-remains at Euro 6	<p>The trade requested at the 2<sup>nd</sup> meeting that the policy remains as Euro 6 only. Euro 7 emission comes in Nov 2026 - At present 106HCs 9 euro 4, euro 5, 32, euro 6. All vehicles to be Euro 6 by January 2027. Following comments provided by the Transport Team further work is needed with the HC/PHV trade to work towards the Councils net zero requirements by 2030.</p>
11	Criminal Record Checks	Include the words ' <i>and DBS</i> ' in the title.	Believe this is not required as the Disclosure and Barring Service is the provider of a Criminal Record Check
11d	Criminal Record and DBS Checks	DC said that it was positive to see that the link to a certified translation service had been included.	<p>Noted. Supported by legal advise. VR/MG no link for a certified translation service has been provided the link is to the Government website for obtaining an overseas Criminal Record Check</p>
12a	HM Revenue and Customs (HMRC) Requirements	DC stated that if an employee is PAYE they cannot register for tax with HMRC so this paragraph will need amending.	<p>The rules for completing a tax check changed on 4 April 2022 in England and Wales and will change on 2 October 2023 in Scotland and Northern Ireland. The new rules mean if you're an individual, company or any type of partnership you must complete a tax check if you're:</p> <ul style="list-style-type: none"> <li>• renewing a licence</li> <li>• applying for the same type of licence you previously held, that stopped being valid less than a year ago</li> <li>• applying for the same type of licence you already hold with another licensing authority</li> </ul> <p>You will not need to complete a tax check and you should follow the <u>confirm your tax responsibilities guidance</u> if you have:</p> <ul style="list-style-type: none"> <li>• never held a licence of the same type before</li> <li>• had a licence of the same type that stopped being valid a year or more before making this application</li> </ul>

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15c	Accessible Vehicles	Change the word 'ensuring' to ' <i>assuring</i> '.	Paragraph has been re-worded and ensuring is believed to be the correct wording and reflects legal advice,
15d	Accessible Vehicles	RB was told at a training course that assistance dogs had to be secured in the vehicle by a lead or harness but that had not been included in the policy. Some did not agree with that advice.	<p>Highway Code Rule 57 states the following - When in a vehicle make sure dogs or other animals are suitably restrained so that they cannot distract you, while you are driving or injure you, whilst you are driving or themselves, if you stop quickly. A seatbelt harness, pet carrier, dog cage or dog guard are ways of restraining animals in cars.</p> <p>Assistance/Service Dogs are trained to remain on the floor of a vehicle and therefore would not require restraining. All other animals must be restrained as per Highway Code Rule 57.</p> <p>Not needed I policy?</p>
16e	General Application Process for Vehicles	Change the words ' <i>must be made 4 weeks prior to ...</i> ' to ' <i>must be made no later than 3 weeks prior to ...</i> '.	Officers would rather this stayed at 4 weeks, the trade was concerned that they would be submitting due to expire MOTs however the team are trained to chase for this anyway and it is the trade's responsibility to ensure they send an updated MOT when they receive it.
16f	General Application Process for Vehicles	Include wording to clarify that on first application original documentation would need to be seen and photocopied. For renewals a photocopy or digital scan would be acceptable provided that there had been no changes to personal details.	Drivers - driver info need to see originals every time, vehicle originals first time, renewals where have seen original would accept scanned copy-this assumes the original seen has had no amendments and is readable – Changed in policy
16g	General Application Process for Vehicles	This paragraph needs to be reworded.	Amended. Now 14.3 wording is clear
16h	General Application Process for Vehicles	Change the word ' <i>applicant</i> ' to ' <i>licence holder</i> '.	Updated
16j	General Application Process for Vehicles	Paragraph needs to be reworded as it does not make sense.	<p>Do a change of vehicle (Temp vehicle) as change of vehicle on system then change of vehicle to change back Temp vehicle - driver must return old plate on damaged vehicle, vehicle will then be suspended Suggested re-wording:</p> <p><u>Transfers of Licensed Vehicles</u></p> <p>A transfer occurs when a licensed vehicle is sold or otherwise transferred from one proprietor to another. In such cases, the vehicle remains licensed, but the ownership changes. The new proprietor must notify the Council and complete the necessary transfer documentation to ensure the licence is</p>

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			<p>updated accordingly.</p> <p><u>Change of Vehicle During Licence Period</u></p> <p>A change of vehicle licence applies when a proprietor wishes to replace their currently licensed vehicle with a different vehicle that is not already licensed as a hackney carriage or private hire vehicle.  <u>In such instances, the following process must be followed:</u></p> <p>The existing vehicle licence must be formally surrendered to the Council. A new application must be submitted for the replacement vehicle. The replacement vehicle must meet all current licensing standards and undergo the required inspections.</p> <p>This process ensures that all vehicles operating under licence continue to meet the Council's safety and service standards.</p> <p>Now as 14.6</p>
16k	General Application Process for Vehicles	Include link to the fees page.	Link to be added
16l	General Application Process for Vehicles	Third bullet point – Should read full V5C or green slip until V5C is available.	VR/MG might need to amend first bullet point. To say full V5C or full keepers supplement plus proof of purchase of vehicle
16m	General Application Process for Vehicles	Bullet points 4 and 6 are a duplication	<p>New wording –</p> <p><u>Newly Purchased Vehicles (Unlicensed at Time of Application):</u></p> <p>The original full Vehicle Registration Document (V5C) or the new keeper's supplement section of the V5C/2 will be accepted.</p> <p>Applicants must provide documentary evidence confirming recent purchase of the vehicle.</p> <p><u>Licence Renewal Applications:</u></p> <p>The full V5C document must be submitted to the Council at the time of application.</p> <p>Licences will not be renewed without the complete V5C.</p>

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16m	General Application Process for Vehicles	MOT requirement and Compliance Test inspection	MOT requirement for vehicles 6yrs+ changed to annual
16m	General Application Process for Vehicles	There were a number of comments as to why vehicles of 6 years of age needed to have a compliance inspection every six months. They could not see the point as the vehicle would have an MOT and it would only cost the trade more money.	This is in line with BFC MOT Annual and Compliance test 6 monthly  To be determined by Members
18a-k	CCTV in Vehicles	The trade said that the CCTV which they used in their vehicle was not compliant with the requirements set out in the policy. It was noted that if a minor was present in the vehicle then written permission would be required before they could be filmed. This might also have an impact on Home to School Transport.	Asked people to let us know which provider they used and what it complied with so that she could revisit the requirements in the policy if necessary.  CCTV criteria changed by to reflect that of two of our closest L.A's being SODC and RBC. Now 16 – No responses received from the trade regarding providers used.
19e	Vehicle Standards/ Testing	The words ' <i>no fewer than four passengers</i> ' to be amended to ' <i>no fewer than three passengers</i> '.	Agreed
20a	Age of Vehicles	A discussion took place about the age of vehicles and in particular the fact that a licence would not be granted in respect of vehicles that were first registered more than five years prior to the date that the application was made. It was good to have a mixed fleet but there was not so much choice when purchasing a wheelchair accessible vehicle and they were more expensive than non-accessible vehicles. It was therefore suggested that instead of having a period of five years across the board it was suggested that wheelchair accessible vehicles could be six years and non-accessible vehicles could be four years. It was queried what percentage of the population in West Berkshire was registered as disabled?	Confirmed that there were hackney carriage vehicles in West Berkshire. 51 were not accessible and 57 were suitable for disabled people. There were 177 private hire vehicles and of those 172 were not accessible and 5 were. Bracknell, Reading and Wokingham HC are all WAV vehicles.  Issue of protected plates to be subject to separate report.
20c	Age of Vehicles	Include the words ' <i>or quality condition</i> ' at the end of that paragraph.	Agreed
20c	Age of Vehicles	Include the page reference in the appendix where the minimum standards are outlined.	VR needs to be completed when document is finalised
21a	Electronic Payment	Change the last sentence to read – 'The device	Agreed

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	Devices in Hackney Carriages and Private Hire Vehicles	must be connected, maintained, and working at all times to ensure customers are able to pay by card, other electronic means <i>or by a digital payment link.</i>	
22c	Roof Signs	Include information about the livery from the old document.	To be added back in to policy document – Specifications added to Policy with link to website for photographs.
23a	Dispensation/Exemption Certificates	Change the word ' <i>badge</i> ' to ' <i>identification card</i> '. Delete sentence which refers to drivers not wearing badge/identification card	Updated
24	School Contracts	Remove this section.	Updated
25a	Executive Hire	Delete the sentence which reads – ' <i>This type of activity includes chauffeur services.</i> ' Change the word ' <i>contract</i> ' to ' <i>preferential supplier</i> '. Bullet point this section as subsidiary of 23. Need to specify what is a dispensation vehicle- carries out 95% proof of contract, booking records-wording of existing vehicle terms to add	Legal advice on which term is more appropriate. Advised that as this is specified as being for a period of a minimum of 3 months there is no additional meaning to 'preferential supplier' this is just a private contract and does not need to be put to tender.
25c	Executive Hire	Dispensation notice – it was noted that a fee would be payable for this. However, that had not been the case previously and it was queried why there would be a charge for this now.	The fee for this type of vehicle is the same as any other vehicle  The fee mentioned at 24c was a fee for the vehicle being inspected by officers (a percentage of the hourly rate) to insure it met our Exec vehicle standards. For example, wheel trims were immaculate and not showing signs of kerb damage.
28	Data Protection	MC advised that if the system for recording personal information was bought and hosted outside the UK it needed to comply with the Data Protection legislation.	All to note. Now 25
33a(7)	Pre-requisites to making an application	The requirements need to be listed.	They are listed in 26.5
33b	Pre-requisites to making an application	Specify who the Licensing Manager is.	Amended to say Principal Licensing Officer
33c	Pre-requisites to making an application	Discussion took place on the requirement to retake the knowledge test every six years. Some members of the trade did not feel that it was necessary and there were concerns that if a	Confirmed that a driver would have three goes to pass the test and drivers would be encouraged to take the test well in advance of their licence expiring so that they could continue to work. The knowledge test covered a number of areas e.g. geographical, highway code, policy and safeguarding

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		driver did not pass the test then they would not be able to work as they would not have a valid licence. It was suggested that it might be better to complete a refresher course rather than having to do the whole lot again.	etc. The reason that it was proposing to ask drivers to retake the test every six years was because the policy would have changed over that period. VR confirmed that she could look at putting together a refresher but it would still need to include a number of sections as drivers would need to know the policy and what was in it. It might be possible to split the knowledge test into two parts with the refresher focusing on any changes to policy.  Comments made by the trade do not refer to this section of the application pre-requisites procedure
34b	Behaviour and Conduct of Drivers	Include the words ' <i>(Appendix D)</i> ' after ' <i>Code of Conduct for Licensed Dual and Private Hire Drivers</i> '.	Updated
35	Criminal Record Checks	DBS checks – it was queried why the Council was using TaxiPlus for these checks.	Advised that TaxiPlus offered a complete screening solution and whose services were driven by technology. Drivers were encouraged to sign up to the Update Service (now mandatory requirement in policy) in order that local authorities could manage the service more easily via a status checking module. Notifications would be received if there was a problem with a check or if there was an issue with the credit card payment. She was able to add drivers onto TaxiPlus provided that they let her have a copy of three documents. She confirmed that TaxiPlus was an umbrella body.
35c	Criminal Record Checks	The word 'warnings' – specify or remove.	Added police
35c	Criminal Record Checks	Insert the word ' <i>mandated</i> ' before ' <i>driver education courses</i> '.	Updated
35e	Criminal Record Checks	Include timescales for when this would apply.	Added: All current licence holders must join the update service three months after the adoption of this policy. Any licensee that does not comply with this will be suspended with immediate effect.
36	Certificate of Good Conduct	Concerns were again raised about the need to have a Certificate of Good Conduct (CoGC) and why it would be necessary from the age of 10. SH felt that it was discriminatory.	Explained that 10 years was the age of criminal responsibility and the policy had been brought in line with that. She confirmed that she had not had any problems in obtaining CoGC's but if there was a problem then issues would be dealt with on a case-by-case basis. Agreed to add wording in relation to if someone cannot obtain a CoGC
37(e)	Medical Examination	Delete paragraph e.	Updated
37(f)	Medical Examination	Change 48 hours to 72 hours.	Change for consistency apart from DBS which states 48
39(b) & (d)	Practical Driving Assessment	Paragraph (b) needs rewording although it was suggested that this paragraph could be removed as it was covered in 39(d). GC did not think that existing drivers should be	Agreed to consider and amend as appropriate. Officers agree new drivers should pass both practical driving test (and wheelchair assessment-add in after 42 before 43) - certificate only valid during app process for 6mths but we to add in to all other training criteria –



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		<p>required to have passed a practical driving and wheelchair assessment unless a complaint had been made about them. He was in agreement that new drivers should be made to pass such an assessment. It would also be difficult to undertake an enhanced driving assessment within three calendar months. Links should be included in the policy for organisations which provided these assessments.</p> <p>SH asked how many Councils had this in their policy. VR confirmed that she was undertaking a benchmarking exercise but had not completed it as yet due to other work pressures.</p>	<p>agreed to action. Officers think that repeat of the driving skills assessment every 6yrs will lessen the prospect of drivers getting bad driving habits</p> <p>If drivers gain 6 points on DVLA licence send on remedial training course - course for driving misdemeanours</p> <p>Officers confirmed that we are undertaking a benchmarking exercise but had not completed it as yet due to other work pressures.</p>
40(a)	Knowledge of Area replace with Test	<p>It had already been agreed at the first meeting that the Licensing Team would look at putting a refresher course in place for existing drivers. SH asked if operators could see the proposed refresher course prior to implementation. VR said that it might be possible to include it in the licence fee but she would need to check that. She advised that Bracknell trade had wanted to keep the full test in order to ensure that the service provided was professional. It was timely to revise the Knowledge test in any event which could be designed to be a multiple-choice option or possibly producing a map with some places left blank for the driver to complete.</p>	<p>Agreed to action - add in wording to what the test comprises.</p> <p>Need to agree what test this refers to-knowledge test covers working knowledge of area they work in</p> <p>This will include: Geographical Highway Code Relevant Legislation to Inc Taxi Policy LG(MP)Act 1976 Town and Police Clauses Act 1847</p> <p>This will be implanted from 1 April 2026</p>
40(b)	Knowledge of Area	This paragraph to be deleted.	Updated
40(e)	Knowledge of Area	<p>The word 'quickest' to be replaced with 'shortest mileage'.</p> <p>It was noted that the majority of drivers would check with the customer as to which route they would like them to take and that would usually be the shortest route. VR suggested that a new Tariff Card could be produced which would include the words 'The shortest route will always be taken unless specified otherwise'. A QR link</p>	Updated

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		could also be provided to the tariff card and the comments/complaints page on the website.	
42(b)	Disability Awareness Training	The cost of this training was not now included in the licence fee and therefore this paragraph would need rewording. GC advised that he was still awaiting refunds on courses which had been cancelled. VR would look into that as that should have happened when an application for renewal had been received. DB suggested that there should be a separate training section which would include everything as that would make it clearer for operators and drivers.	Amended and amends approved by legal
43	Wheelchair assessment	Would like it mandatory for all new drivers to take one of these	Agreed to add wording In the past only drivers with WAV had to do this but they may now be driving WAV but they haven't taken a test and we find drivers leaving the rank when they see a person in a wheelchair suggesting they are not confident and also drivers are refusing to take persons in a wheelchair. A whole new section (43a&b) has been added to account for the wheelchair assessment. This is to include all new applicants and also current licensed dual and private hire drivers who are required to pass the course by 1 June 2026.
44(a)	Code of Conduct	Appendix C should read Code of Conduct for Hackney Carriage and Private Hire (Dual) Drivers.	Updated
		DB stated that as this was a new section the numbering should restart from 1 as that would be less confusing. A description should be included as to what an operator was e.g. the person in charge of the business.	Agreed to consider. Officers consider this is not the way forward and should stay as in the draft Officers think a definition list would be useful.  The policy has been numbered consecutively to assist with identifying relevant sections/conditions when required.
47(c)	Criminal Record Checks	Insert the timeframe for the suspension or revocation of the licence. This was a recurring issue as timeframes did not seem to be given when it was something the Licensing Team had to do.	We cannot caveat a timescale for decisions to be made as it depends on decision criteria being written authorised and letters sent/delivered and depends on nature of investigation and police may also be investigating so need to wait for their reports
49(a)	Certificate of Good	Again, the issue around the period of three	Officers do not agree this needs changing as per statutory standard

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	Conduct	months was raised. VR advised that this was the statutory standard.	
50(a)	Operator Application Process	Make it clear that once original documents had been scanned at first application then photocopies or electronic copies could be provided for renewals provided that there had been no change of circumstance. The timescales should be stated.	Agreed to check wording - once seen original docs and nothing changes scan/photocopies can be provided. Officer advice - This should remain that originals are shown on each renewal as there is a 5yr gap between licence periods. This process is the same as required of a licensed driver.
52(a)	Data Protection	The point was raised that the Licensing Team did not currently have Enhanced DBS checks and therefore would not be able to check operators' records. VR responded that HR did not require Licensing staff to have a DBS check but some members of staff had volunteered to have one and that would be put in place shortly. Link to ICO website to be included in the policy.	Whilst Licensing Officers do not need a DBS for operator checks, however, Licensing officers also having enhanced DBS checks as best practice as we also carry out school visit vehicle checks.  Licensing Officers are in the process of having Enhanced DBS's completed.
54(g)	Drivers and Vehicles	Paragraph should be (a) and not (g).	
54(g)	Drivers and Vehicles	Paragraph to be reworded to make it clearer.	Reworded
57	Appeals	Timeframe needs to be included after the words ' <i>informed in writing</i> '.	Timeframe not necessary as it will be done as soon as possible after decision is made – agreed by legal
	Operator Base	A definition was required in respect of an operator base. It was felt to be important to ensure that the wording was correct.	Agreed to draft some wording and send the trade a copy for their comments. Added in to Appendix F section 10 – Operators Base
General		Page endings/headings need to be looked at so that they were not separate from the text in each section.	Actioned.
1	Introduction	It was thought that the policy seemed to be negative in terms of the trade and it would be nice to have a positive introduction.	Officers' comments: Taken from original convictions policy. This section is to deal with those licensed who have committed offences and have received a conviction which then may bring into question whether they are a fit and proper person to hold a licence.
4.1	Drivers	Private hire should not be referred to as a taxi and therefore this paragraph needed to be amended.	Wording ref to taxi driver is meant as A HC and or PH driver (dual) This was taken from the original Convictions Policy and the wording has not caused an issue since it was adopted in June 2009 for which Legal and the trade were consulted.
10.3	Dishonesty	List paragraph numbers need to be renumbered.	Actioned
12.1	Discrimination	VR to check whether the reference to <b>SEVEN YEARS</b> was a statutory standard timescale.	Seven years is the statutory standard specified

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General		Where the Council was required to do something there did not seem to be any timescales included.	Same comments in relation to not giving timescales - see above.
	Appendix B - Penalty Points	Drivers unhappy about the introduction of such a system as they believe many drivers could lose their licences very quickly	<p>Despite the Best Practice suggesting points should stay on their record for 3 years (driver) 5 years (operator) we suggested 1 year driver and operator 2 years - Officer recommendation now is Driver 12 points in 3 years and Operator 36 in 5 years as per BP guidance Appeal needs to be to a licensing Panel.</p> <p>To increase compliance with licensing requirements some licensing authorities operate a points-based system, which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee (or other bodies charged with reviewing). Such systems can provide greater consistency in enforcement and make better use of the licensing committee's time. Authorities that operate a points-based enforcement system should make clear to licensees that these are separate to the 'penalty points' (endorsements) that the courts can put on a motorist's licence. As set out at 5.1, licensing authorities that use a points-based system should ensure that licensees are aware of the policies to which they must adhere, are properly informed of what is expected of them, and the repercussions for failing to do so - the points for specific breaches should be clearly set out.</p> <p>Where a points-based enforcement system is in operation points incurred should remain on the record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is 3 and 5 years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the department recommends that points should remain on the record from the date of the incident for a minimum of 3 years for drivers and a minimum of 5 years for private hire vehicle operators.</p> <p>It should be noted that reaching a points limit must not result in an automatic action but should be used to trigger a review of the conduct of the licensee and whether further action is necessary to address any concerns. Such action might be undertaking additional training not just a suspension or revocation. Licensing authorities should however consider whether a review is undertaken in situations where points are incurred within a short</p>

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			<p>period but have not reached a review point; for example, a rapid accumulation of points may indicate deteriorating standards or increasingly unsatisfactory conduct.</p> <p>Best Practice Guidance Nov 2023 -states points-based points enforcement system</p> <p>The PP system has been amended to 16 points in 3 years and 36 in 5 years. Only those drivers that disregard for legislation, policies and the conditions attached to their licences will come to officers' attention. The majority of drivers, proprietors and operators will remain PP free during their career.</p>
1.4	Penalty Points Scheme	Delete the words 'in any rolling 12-month period' and replace with the words 'over the same length of time as the licence'. VR confirmed that this was what was in the statutory standards and therefore had to be used.	S1 take out byelaws title - updated
2.2 & 2.3	The Penalty Points Scheme will operate as follows:	Use a different word instead of 'sanction'. 2.3 needs rewording as it says that there is no right of appeal – please clarify as it was thought JOB would review and make the final decision.	Agreed to action as part of amended wording. As above-appeal to licensing sub panel then to magistrates if points amount rto suspension or revocation of licence
7.1	List of Offences/Breach of Vehicle Licence Conditions/Byelaws	Include the word 'Vehicle Operator' (Done) V1, V51 and V52 – timeline should be included.	<p>Agreed to action.</p> <p>Clarified that any points for an offence with a code 'V' would not go to the operator unless the vehicle was registered in the operator's name. The trade felt that this was not clear and an explanation should be provided on that in the introduction.</p> <p>V1 MOT test-timeline to produce cert 72hrs?</p> <p>V51-72hrs</p> <p>V52-72hrs</p> <p>Sections changed these are now</p> <p>V1, V48 &amp; V49</p>
7.1 V13	List of Offences/Breach of Vehicle Licence Conditions/Byelaws	V13 should read 'Failure to display Council livery front door signs'.	Confirmed that livery was being brought back in. Currently only on HC but not specified in points system as such VG spoken to VIP for quote for signage for HC and PH - Lic will be able to print. RB also has done a proforma for consideration
7.1 V33	List of Offences/Breach of Vehicle Licence Conditions/Byelaws	V33 timescale was different to what was stated in paragraph 17.57 on page 70 in relation to a Temporary Replacement Vehicle. Three months	Amended to 3 months

Para No.	Heading	Comment	Officer Recommendation/Reasons
		would be a fairer timescale than two weeks as stated in V33.	
7.1	List of Offences/Breach of Vehicle Licence Conditions/Byelaws	Numbering is out – there is no V41, 42 or 50.	Officers to amend when finalise document to make sure codes ran consecutively.
7.2	Breaches of both Dual and Private Hire Driver's Licences Code of Conduct	D4 – remove vaping. Trade was keen for vaping to be removed for now. Smoking was illegal due to health and safety reasons but vaping was legal at the moment.	Officers would recommend this stands so vaping is not allowed.
	Tables 1,2,3,4 relating to breaches/offences	Trade expressed wish that in column1 relating to offence that the whereabouts in policy/legislation is referenced	There is no requirement to do this as the offender will be informed of which legislation/condition will have been breached. If this is required WBC will be the only LA to do this compared to our neighbours.
1.2 & 1.4	Code of Conduct for Licensed Drivers	Should read 'Code of Conduct' and not 'Code of Good Conduct'.	Agreed to remove good from title and text 1.2 1.4 Actioned
1.6	Code of Conduct for Licensed Drivers	Include in a Glossary at the front of the policy	Agreed to provide text - done
3.8	Driving	It was felt that one minute was not sufficient time to pick up or drop off passengers.	<p>Officers to consider. Idling is the issue here so they can turn engines off so officers consider this is appropriate</p> <p>The legislation doesn't allow any grace period. And any timeframe would be unenforceable.</p> <p>Please refer to officer's comments in the representations table 2</p>
6.6 & 6.7	Conduct and Behaviour	Trade felt that it was sometimes necessary to contact customers about bookings or lost property. Operators would try and reunite lost property with their owners if possible. The Police would not be interested in returning any lost property. In any event paragraph 10.2 contradicts paragraph 6.6 as it states that you can return property personally to the owner. In that case it would be necessary to make contact with the owner. Most operators had a logbook in the office in which lost property was logged.	<p>Officers to consider. VR stated that this was in the Code of Conduct for safeguarding reasons. However, she would do some research and would contact the Inspector at Newbury for their thoughts.</p> <p>Taken from the TVP website re-lost property – If the item found in a public place is valuable</p> <p>Please make reasonable enquiries to find the owner, these could include asking people nearby or in offices or shops. You could also consider leaving a note with your details.</p> <p>If you can't find the owner, take the item to a local police station or hand it to a police officer or PCSO.</p>

Para No.	Heading	Comment	Officer Recommendation/Reasons
			Licensing are aware that the current HC Bylaws state that lost property is handed into the council. The licensing team are looking to have the Bylaws repealed during the term of this policy and as TVP provide this service then it is felt that items should be handed to them due to the potential high value of the property because when the Bylaws were implemented items such as mobile phones and laptops did not exist.
6.10	Conduct and Behaviour	Amended to read 'To give reasonable assistance in removing luggage to and from the vehicle.'	Updated
6.19	Conduct and Behaviour	24 hours should be amended to read '72 hours'.	Updated
6.23	Conduct and Behaviour	Add in wheelchair training and paragraph amended by removing the words 'or where it will improve the good image of West Berkshire for the benefit of passengers.'	Updated
6.24 (c)	Conduct and Behaviour	Paragraph to be amended to read 'Do not play music whilst carrying passengers unless they had a licence.'	<p>PRS or PPL licence required</p> <div> <p>Officers checked- licence required</p> <p><u>From TaxiPoint – The UK's Taxi Industry Daily News Source.</u></p> <p><u>TUNE IN LEGALLY: Can taxi drivers play music in their cabs with passengers onboard?</u></p> <p>In the UK, taxi drivers providing passengers with a musical ride need more than just a good playlist; they require proper licensing. Under copyright law, playing music in public spaces, including taxis, demands following licensing regulations to ensure artists, composers, and performers receive their rightful royalties.</p> <p>The Performing Right Society (PRS) and Phonographic Performance Limited (PPL) are at the forefront of</p> </div>

Para No.	Heading	Comment	Officer Recommendation/Reasons	
			<p>this licensing process. PRS manages rights related to music compositions and lyrics, while PPL focuses on the recordings. For taxi drivers to legally play music, acquiring licences from both organisations is seen as essential, safeguarding the financial interests of those behind the music.</p> <p>Licences come with varying costs and conditions, tailored to fit different business operations, including those on wheels. It falls to taxi drivers and companies to be well-informed about these requirements and secure the appropriate licences, avoiding potential legal issues and fines.</p> <p>Despite the clear legal expectations, enforcing these rules in the context of taxis presents its challenges, with drivers mostly now using personal streaming services or radios, possibly neglecting commercial licensing demands. However, the law is unequivocal and clear: music played within the commercial setting of a taxi should be properly licensed, ensuring full compliance with the UK's copyright regulations.</p>	
6.24 (d)	Conduct and Behaviour	Move the words 'to avoid disturbance to local residents' to the end of (a) and delete the rest of (d).	Actioned	
7.4	Personal Appearance and Dress Code	Remove the words 'full body' and replace with the words 'no cropped tops or cut out sections'.	Actioned	
7.5	Personal Appearance and Dress Code	Put the word 'tailored' in front of 'shorts'. Include 'Avoid wearing tracksuits or hoodies' at the end	Actioned	



Para No.	Heading	Comment	Officer Recommendation/Reasons
		of that bullet point.	
8.2	Use of the Vehicle	Remove 8.2	Actioned
9.1	Vehicle Checks	There was no mention of where and how evidence of the walk around checks should be recorded.	Wording added in section 3.2 & 3.3 of appendix D and section 3.2 & 3.3 of appendix E.  Driver vehicle check list as provided on GOV.UK website  <a href="https://assets.publishing.service.gov.uk/media/654b99c9e2e16a001242abcb/taxi-driver-vehicle-checklist.pdf">https://assets.publishing.service.gov.uk/media/654b99c9e2e16a001242abcb/taxi-driver-vehicle-checklist.pdf</a>
9.2	Vehicle Checks	Replace the words 'to the outermost rear of the vehicle' with 'below the rear window'.	Actioned
10.2	Lost Property	See comments in respect of 6.6 and 6.7. Amend if necessary	As above.
3. 8(j)	Maintenance of the Vehicle	Also referred to in Appendix C 9.1. There was no mention of where and how evidence of the walk around checks should be recorded and did not refer to digital records.	As above in 9.1
17.57	Temporary Replacement Vehicle	Paragraph states that no temporary licence will be granted for a period exceeding three months. The Trade were querying the time period	3 months is expected to be the rough time scale for most defects to be rectified-it can be extended in exceptional circumstances as agreed with the Principal Licensing Officer.