

## Appendix C

No	Representation	Officer Comment	Legal Comment	Action
1	<p><u>Age of vehicles –</u></p> <p>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?</p>	<p>Officers confirmed that there were 108 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.</p>	<p>No legal comment</p>	<p>For members to determine at some future date</p>
2	<p><u>Good Conduct Certificate Policy –</u></p> <p>Applicants who have lived outside the UK for one or more continuous periods of three months (since the age of 10) must provide a Certificate of Good Conduct (CoGC) from each country.</p>	<p>The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. The purpose is not to impose additional punishment but to safeguard public safety through informed decision-making.</p> <p>The licensing team strongly advise against amending the policy from 10 to 18 as is</p>	<p>This is not a legal point as the Council can determine its own policy in regard to certificate of good conduct.</p>	<p>For members to determine.</p>

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	<p>Comment:</p> <p>We express our concerns regarding the practicality and fairness of this requirement. In many instances, acquiring a CoGC from particular countries can be exceedingly challenging or even unfeasible due to inadequate processes, political turmoil, or delays at embassies. In response to these issues, Clause 3.2 of the newly adopted West Berkshire Convictions Policy has been amended to a six-month limit over the past three years, with the certificate being procured through the appropriate embassy. This approach is consistent with the policies of other authorities in Berkshire and aligns with the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards (July 2020), which advocate for a practical, risk-based methodology. We suggest aligning this portion of the policy with Clause 3.2 to ensure consistency, legal defensibility, and fairness.</p>	<p>mentioned in the Statutory taxi and private hire vehicle standards (updated November 2023) and each authority can determine its own policy.</p> <p>UK citizens applying for a licence are subject to enhanced Disclosure and Barring Service (DBS) checks, which include: All convictions for specified offences, Adult cautions for specified offences, All convictions resulting in custodial sentences, regardless of age at the time, Non-specified adult cautions within the last 6 years, Non-specified adult convictions within the last 11 years, Non-specified youth convictions within the last 5.5 years. Any unspent convictions or cautions will also appear on an Enhanced DBS check and would therefore be considered when determining the application.</p> <p>This level of scrutiny ensures a comprehensive view of the applicant's character, including conduct prior to age 18. In contrast, applicants who entered the UK after age 10 and subsequently obtained UK residency or citizenship may only be subject to DBS checks from the date of entry onward. Without a CoGC covering the period prior to UK arrival, the authority lacks visibility into the applicant's earlier conduct, creating a significant gap in the character assessment process. Amending the CoGC requirement to begin at age 18 would:</p>		
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		<p>Place UK citizens at a disadvantage by requiring disclosure of youth convictions while exempting others</p> <p>Potentially allow applicants with serious overseas convictions prior to age 18 to avoid scrutiny</p> <p>Undermine the licensing authority's ability to make fully informed decisions</p> <p>While the Statutory Standards provide a national framework, they explicitly allow local authorities to determine their own policies based on local needs and risk assessments. Retaining the age 10 threshold aligns with the authority's commitment to public safety and equitable treatment of all applicants.</p> <p>The licensing team strongly recommends that the policy retain the current requirement for a Certificate of Good Conduct from age 10 for all applicants who have resided outside the UK. This ensures:</p> <ul style="list-style-type: none"> <li>Consistency in character assessment</li> <li>Fairness across applicant backgrounds</li> <li>Protection of public safety through robust vetting</li> </ul>		
3	<p><u>Repeat testing requirements –</u></p> <p>Drivers must retake practical knowledge and highway code tests every 6 years. I strongly oppose this as I see no reason why this costly process is necessary for drivers who have already undertaken such tests, regarding</p>	<p>Officers confirmed that a driver would have three attempts 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 etc. The reason that it was proposing to ask drivers to retake the test</p>	<p>Any retesting if agreed by Members should exclude the geographical element.</p>	<p>For members to determine.</p>

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	<p>the fact there is no such requirement by UK law for licensed drivers to undertake such tests again. There are complaint and DVLA penalty procedures for drivers who may be negligent in performing their duties to good standards. Therefore, retaking these tests for drivers who are not negligent seems unnecessary and costly. If needs be the council can explore the idea for refresher courses instead, as this would be a much less disruptive method.</p>	<p>every six years was because the policy would have changed over that period. Officers confirmed that they would 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.</p>		
4	<p><u>Motoring Convictions –</u></p> <p>Members of the trade support measures to promote road safety. Here are my comments:</p> <ul style="list-style-type: none"> <li>• Drivers with more than 7 but fewer than 10 points should be subject to an approved advanced driving course, helping create positive changes.</li> <li>• At 10 or more points, I agree with a formal review or intervention by the licensing authority, in line with national guidance.</li> </ul>	<p>The convictions policy has been re-worded in paragraphs 6.24 and 6.25 to reflect these measures. However, the number of DVLA points accrued differs from that suggested by the respondent.</p>	<p>Motoring convictions: there are no legal requirements to reset this threshold.</p>	<p>For members to determine.</p>
5	<p><u>Penalty points –</u></p> <p>Members of the trade strongly oppose the introduction of a</p>	<p>The comments have been noted, and the accumulation of points have been changed to 16 for a driver and proprietor and have been changed to 36 for operators.</p>	<p>Penalty Point System: Best practice industry guidance should be followed.</p>	<p>For members to determine.</p>

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	<p>council-operated penalty point system unless it is:</p> <ol style="list-style-type: none"> <li>1. Fairly applied,</li> <li>2. Clearly defined, and</li> <li>3. Subject to appeal.</li> </ol> <p>If implemented, I propose:</p> <ul style="list-style-type: none"> <li>• Action only at 16 points or more for drivers, and 36 for operators.</li> <li>• Expiry of points after 12 months.</li> <li>• Minor breaches (e.g., minor dress code or paperwork errors): 1–2 points.</li> <li>• Major breaches (e.g., passenger safety or insurance violations): 4–6 points.</li> <li>• A transparent appeal process, preferably through an independent panel or the Licensing Committee.</li> </ul> <p>We also ask the Council to provide a breakdown of which breaches would incur points and how these would be recorded and reviewed.</p>	<p>The periods that the points will remain live is 3 years for drivers and proprietors and 5 years for an operator this is in line with the DfT Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England updated in November 2023.</p> <p>The policy contains a table of all the breaches and points that would be incurred. The appeals process for any penalty points awarded will be through the Principal Licensing Officer and then the Licensing Sub-Committee.</p> <p>If the licence holder is suspended or has had their licence revoked, then they have a right of appeal to the Magistrates Court.</p>		
6	<p><u>Engine Idling –</u></p> <p>Members of the trade agree with vehicles not idling for more than 1 minute as long as there isn't extenuating circumstances. For example, in cold weather, running the engine for heating or de-icing will be essential. This will need clarifying.</p>	<p>This is the requirement set by legislation:</p> <p>The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002</p> <p>Enables local authority authorised persons to request that the driver of a vehicle which is stationary on a road switch off the engine of that vehicle and to issue Fixed Penalty Notices to those who refuse to co-operate as they will be committing a stationary idling offence. A stationary idling offence is a</p>	Correct application of the law	For members to determine.

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		<p>failure to comply with the requirements of Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended, which state that drivers shall switch off engines in stationary vehicles so far as necessary for the prevention of exhaust emissions.</p> <p>However, if the driver complies and switches off the engine when asked then no fixed penalty can be issued, it can only be issued if they refuse.</p> <p>The fine is currently £20 increasing to £40 if not paid usually within 28 days</p> <p>Rule 123 – Highway code The driver and the environment. You MUST NOT leave a parked vehicle unattended with the engine running OR leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road. Generally, if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution. However, it is permissible to leave the engine running if the vehicle is stationary in traffic or for diagnosing faults.</p> <p>Section 42 of the Road Traffic Act 1988</p> <p>Breach of other construction and use requirements.</p>		
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		<p>A person who—</p> <p>(a)contravenes or fails to comply with any construction or use requirement other than one within section 41A(a) or 41B(1)(a) [F2or 41D] of this Act, or</p> <p>(b)uses on a road a motor vehicle or trailer which does not comply with such a requirement or causes or permits a motor vehicle or trailer to be so used is guilty of an offence.</p> <p>Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986</p> <p>Stopping of engine when stationary</p> <p>98.—(1) Save as provided in paragraph (2), the driver of a vehicle shall, when the vehicle is stationary, stop the action of any machinery attached to or forming part of the vehicle so far as may be necessary for the prevention of noise [F1or of exhaust emissions].</p> <p>(2) The provisions of paragraph (1) do not apply—</p> <p>(a)when the vehicle is stationary owing to the necessities of traffic;</p> <p>(b)so as to prevent the examination or working of the machinery where the examination is necessitated by any failure</p>		
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		<p>or derangement of the machinery or where the machinery is required to be worked for a purpose other than driving the vehicle; or</p> <p>(c)in respect of a vehicle propelled by gas produced in plant carried on the vehicle, to such plant.</p> <p>Extract taken from the Taxi and Private Hire vehicle licence best practice guidance issued by the DfT. – November 2023. Also covered and documented in the trade meetings.</p> <p>The driver of a vehicle is always legally responsible for its condition while in use. Licensing authorities should require drivers to conduct a walkaround check as part of a driver's core role. Drivers can be fined up to £2,500, be banned from driving and get three penalty points for driving a vehicle in a dangerous condition. Annex 6 of the Highway Code provides information and rules about vehicle maintenance.</p>		
7	<p><u>Daily vehicle checks –</u></p> <p>Members of the trade fully support safety checks, the current requirement is very red tape, especially for sole-trader drivers. Members of the trade suggest not to make it mandatory to record it.</p>	<p>A driver should show due diligence and undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check. Drivers should be required to retain the vehicle checklist as proof that they have undertaken the required vehicle check. Drivers should be made aware that they may be subject to sanctions if they are</p>	<p>Daily Vehicle Checks: is appropriate as best practice should be followed. It is entirely acceptable to adopt this as policy.</p>	<p>For members to determine.</p>



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		unable to produce this or it is clear that while the form has been completed, the check has not. Further sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.		
8	<p><u>Tyre Tread Depth –</u></p> <p>Minimum Tyre Tread 2mm. I oppose this point as the UK legal requirement is 1.6mm, unless the council can provide good reasons with data backing their point, I believe this is highly unnecessary and costly yet again as the tyres would require changing much sooner.</p>	<p>Officers acknowledge that the current UK legal limit is 1.6mm tyre tread depth. However, officers would like this to be set at a tread depth of 2mm due to reasons of public and vehicle safety. Officers would like to bring to the attention of Councillor's the following article:</p> <p>A recent report in Auto Express stated that the number of MoT failures by worn tyres was on the rise. Over 1 in 3 MoT failures in 2024 were found to be caused by faulty tyres. Between 2023-2024 more than 2.15 million vehicles failed their annual MoT after they were found to be fitted with heavily degraded tyres.</p> <p>Such a decline in the condition of the tyres on British cars is also highlighted by the fact that, of the 2.15 million vehicles that failed 750,000 had previously been flagged with a tyre-related advisory. This suggests that many drivers are ignoring advisories given during MoTs and could be driving around with illegal, or even dangerous tyres.</p> <p>With the number of tyre-related MoT failures on the rise and some 1,700 people losing their lives in 2023 after being involved in accidents where tyre defects have been</p>	WBDC wishes to implement a higher standard than minimum legal limit and this is lawful. Cost has to be considered but the overriding factor for consideration is public safety.	For members to determine.

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		<p>cited as aggravating factors, road safety charity Tyresafe is calling on the government for change.</p> <p>A change being asked by Tyresafe and the Parliamentary Advisory Council for Transport Safety (PACTS) is now asking for what it describes as 'mandatory follow-up action with three (3) months of a tyre advisory – such as driver alerts or proof -of-replacement requirements'</p>		
9	<p><u>Advertising and the use of 'Cab' –</u></p> <p>Cabco has been operating in West Berkshire since 1988, with branding approved under previous licensing authority. This change would require a total rebrand of our company.. Stemming from vehicles and company signage, causing significant financial loss and undermining brand recognition which has taken years to build. Under the Transport Act 1980 (Section 64), restrictions apply only to signage on or above the roof of a private hire vehicle. We request that this section be reworded to mirror Section 17.9, prohibiting misleading signage only "on or above the roof". We also request formal confirmation that existing branding including "Cabco" is grandfathered and may continue.</p>	<p>Licensing officers are seeking the advice of legal with regards to this.</p>	<p>"Cab": legal advice provided is that this word can remain as it is given its basic meaning, however cabs which are not hackney carriages will be distinguished by additional wording to show they are pre-book only.</p>	<p>For members to determine.</p>

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10	<p><u>Operators record submissions –</u></p> <p>This proposal is just creating more unnecessary paper work. The Council already receive ALL up-to-date licensing information. I suggest switching to an annual update process, mandatory ad hoc notifications of any changes (e.g., new drivers, terminations) will be disclosed when they happen. This would reduce admin workload for both the Council and operators without affecting data accuracy.</p>	<p>This is not being taken forward by officers at this time but may be considered again in the future.</p>	<p>No legal comment</p>	
11	<p><u>Driver worker hours –</u></p> <p>Working hours to not exceed 10 hours with a break after 5.5 hours. I strongly oppose this point as there are many drivers including myself who have expenses to pay, as we are all aware of living costs rising, it will become extremely difficult for individuals to fund our expenses if our working hours are cut down. As far as the UK law states there is no statutory maximum working hours for taxi and private hire drivers. It has also not been made clear whether the 10-hour limit refers to total driving time or hours a driver spends out in his cab sat on the taxi ranks or signed on to their pda waiting for</p>	<p>This is also a matter of public safety and that of driver welfare. Officers recognise that both HC and PHD'S work long hours to provide for their families and that there is no maximum working hours for a HC or PHD, however the respondent does recognise that drivers can spend lengthy periods of time being inactive and idle performing no driving tasks. Being sat around being inactive and idle can still lead to tiredness and can be accentuated through a busy home life where a suitable rest may not always be possible.</p> <p>This condition is only being asked as a welfare concern to encourage drivers to take a break away from the rank or private hire work after so many hours of being at work and the respondent agrees that if a requirement is applied then after 5-6 hours driving seems fair. It is always best to be</p>	<p>It should be borne in mind that whilst there is no regulated hours for a taxi driver in law, other commercial drivers are subject to regulation on hours of work bus drivers and HGV drivers are far more limited. There is also the working time directive in place which gives us an idea of what could be reasonable whilst it is not applicable to taxi drivers it is usual for 10 hours in any 24 hour period to be implemented in many workplaces. The rules for taxi drivers are that drivers should not be fatigued when operating as a taxi driver. To ensure this, WBDC is implementing a standard which gives certainty to drivers and creates fairness and a reasonable framework to work within. It is lawful to implement a higher standard.</p>	<p>For members to determine.</p>

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	jobs, as both are two separate matters. Drivers can spend lengthy periods of time waiting for jobs which means they are sat inactive and idle performing no driving tasks whatsoever. If a requirement does need to be applied, then a break factor after 5-6 driving hours seems fair.	fresh for the anticipated long journey and not to have the effects of tiredness creeping in before the journey comes along.		
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