



Cannock Chase Council

Council Meeting

Wednesday 8 November 2023 at 6:00pm

In the Council Chamber, Civic Centre, Cannock

Part 1

Notice is hereby given of the above-mentioned meeting of the Council, which you are summoned to attend for the purpose of transacting the business set out below:

- 1. Apologies**
- 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any interests in accordance with the Code of Conduct.
Members should refer to the guidance included as part of this agenda.
- 3. Minutes**

To confirm the Minutes of the meeting held on 6 September 2023, minute numbers 26 – 35, page numbers 19 – 26.
- 4. Presentation of Certificate to Honorary Alderman**

The Chair to present a certificate to former Councillor G.N. Molineux, who was appointed as an Honorary Alderman at the Extraordinary Council meeting held on 24 May 2023.
- 5. Chair's Announcements and Correspondence**

To receive any announcements and correspondence from the Chair of the Council.
- 6. Leader's Announcements and Correspondence**

To receive any announcements and correspondence from the Leader of the Council.

7. Motions Received Under Council Procedure Rule 6

- (i) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor O. Lyons, Leader of the Opposition:

Rugeley Boardwalk

“Rugeley boardwalk previously linked Brook Square and Albion Street. It was first closed as a measure to ‘make it safe’ in October 2018 after part of it collapsed. Investigation found that parts of the wooden supporting structure had rotted and, as a result, the whole boardwalk was stripped down.

On 18th August 2018, Cllr Justin Johnson launched a petition requesting the Labour Cabinet at the time repair the boardwalk as a priority. Over 600 people signed the petition, describing the dismantled structure an ‘eyesore’. Local businesses expressed how they felt the derelict shell of a structure negatively impacted footfall to Rugeley Town Centre. In July 2019, Rugeley Conservative Councillors wrote again to the former Labour Leader, George Adamson, asking that repairs be considered.

The previous Cabinet agreed to consider the issue highlighted by the Conservative Team and, just prior to the pandemic, set aside £346,000 in the 2020/2021 budget to cover repairs to bridges and boardwalks and for the general maintenance of Council assets. As the previous Cabinet had included a maintenance component, the sum quickly diminished as the general maintenance of wider Council assets resulted in ongoing costs and, naturally, safety works were prioritised. At that time, there was no limit set on the amount to be spent on maintenance, nor was there a specific sum allocated to the repair of bridges and boardwalks.

Three months after the change of administration in 2021 and following the lifting of Covid-19 restrictions, the Conservative Cabinet adopted a new Corporate Maintenance Plan and Asset Strategy. The purpose was to build in resilience and enable longer term planning. The Plan committed to replacing bridges and boardwalks over a three-year period starting from 2021 and the first stage of that process was to review of all bridges within the Council’s ownership.

Once the review completed, the remaining £110,000 from the previously allocated budget was set aside in the Capital Programme. This time it was specifically ringfenced to cover the repair of 3 bridges and boardwalks – Rugeley Boardwalk, Anglesey Nature Reserve and Rawnsley Woods.

Following this, a procurement exercise took place in respect of some of the works but the cost of replacing each of the three bridges and boardwalks came in significantly over budget. Combined, the cost of works to all three bridges and boardwalks was over double the allocated budget. This was weighed up in light of wider Council priorities and against the economic backdrop at the time. The Conservative Cabinet agreed that such an excessive overspend of public funds on only three bridges was unjustifiable and would not be prudent given the economic climate at that time. The Conservative Cabinet agreed that, despite this, bridges and boardwalks would remain a priority and diarised that they be reconsidered again in Autumn 2023, when it was hoped, inflation would begin to fall and economic pressures eased.

In May 2023, the administration changed again and, last month, the Labour and Green Coalition agreed to replace the two bridges at Anglesey Nature Reserve and Rawnsley Woods using the funds already identified and allocated within the previous budget. The Labour and Green Coalition also announced that Rugeley Boardwalk would not be reconsidered in Autumn 2023 as originally planned and, rather than be

prioritised, it would instead be considered amongst proposals for other wider capital projects falling within the standard, annual budget setting process.

In the meantime, Conservative Councillors have been working to assist and ensure Rugeley Boardwalk remains a priority. Working with the local community, local businesses and a number of Rugeley Town Councillors, a proposal has been prepared to redesign the wider area surrounding the former Rugeley Boardwalk, replace the pathway across the water and landscape the surroundings. The cost estimates for the new proposals provided by professionals are considerably lower when compared against previous estimates. The process for submitting the design proposals has been confirmed with Officers at the District Council and the required tender process has been discussed with the Clerk at Rugeley Town Council.

I therefore move and request that, subject to confirmation of the project by Rugeley Town Council, Cabinet take the time to review the imminent forthcoming proposals in respect of Rugeley Boardwalk and the surrounding area. I ask that the design proposals be considered by Cabinet ahead of the upcoming budgetary timeframe on the basis that funds have already been set aside for this purpose and consideration be given to approving that the sum of £35,000 be allocated to support Rugeley and contribute towards the wider project and plans to renovate Rugeley Boardwalk.”

- (ii) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor P.K. Haden, Leader of the Opposition:

Hedgehogs

“With hedgehog numbers in decline, there is a great need to increase awareness. There has never been a better time to refocus on hedgehog conservation.

Preferred habitats for Hedgehogs include wooded edges, hedgerows and increasingly gardens. Bushes, twigs and leaves on the ground provide cover and nesting materials.

Hedgehogs are listed as a species of principal importance in England under the Natural Environment and Rural Communities Act 2006 (Section 41), and this helps to ensure that the survival Hedgehogs is a consideration within the Planning process.

The Council currently encourage developers to use hedgehog friendly fencing, and CP12 of the Local Plan focuses on biodiversity and geodiversity.

I move that Hedgehog Friendly Fencing be incorporated into the landscape designs of all future Council managed developments and that steps be taken within all Council maintained Nature Reserves to ensure they are as hedgehog friendly as possible; this could include incorporating Hedgehog Highways and considering Hedgehog houses in suitable locations.

In addition to this, I move that the Council participates in Hedgehog Awareness Week which falls in May of each year and helps to raise awareness of the importance of Hedgehogs and the threats that they face. The Council could support Hedgehog Awareness week through online campaigns, social media awareness and potential initiatives through the Cannock Chase Can app.

The overall goal is to promote greater awareness of the plight of the hedgehog and to encourage residents to take action in order to protect and conserve this beloved and iconic species.”

- (iii) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor P.C. Theodorou, Resources and Transformation Shadow Portfolio Leader:

Holocaust Memorial Day

“Holocaust Memorial Day (“HMD”) serves as a reminder of the atrocities of the Holocaust, during which approximately 6 million Jews, along with other minority groups, were systematically persecuted and murdered.

I ask that this Council reiterates our strong opposition to antisemitism, racism, and hatred in all its forms against Jewish people, emphasising our solidarity with Jewish people, both within our local community and across the world. I ask that, through this motion, we reaffirm our commitment to fostering understanding, tolerance, and inclusivity within our community, ensuring that the lessons of the Holocaust continue to guide us towards a more compassionate and just society.

I move that we, members of Cannock District Council, also agree to formally mark Holocaust Memorial Day on an annual basis within our community.

In recognition of Holocaust Memorial Day, I propose that Council agrees to light a flame located within Cannock Chase in memory of the lives lost, beginning on 27th January 2024 and each year thereafter.

In addition to this, I ask that Council consider extending an invitation to our local community, including members of the Jewish Community and other associated groups, to participate in a Memorial Service during the flame lighting ceremony.”

- (iv) To consider the following Motion submitted by Councillor D. Foley, Vice-Chair of the Council:

Care Experienced People

“Cannock Chase District Council notes that

- Care experienced people face significant barriers that impact them throughout their lives.
- Despite the resilience of many care experienced people, society too often does not take their needs into account.
- Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system.
- Care experienced people often face a postcode lottery of support.
- As corporate parents, councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after.
- All corporate parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work.
- Councillors should be champions of our looked after children and challenge the negative attitudes and prejudice that exists in all aspects of society.
- The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment and victimisation of people with protected characteristics.

Cannock Chase District Council resolves that

1. When making any decisions in relation to its policies or formulating its Council Plan that it recognises that Care Experienced people are a vulnerable group who face discrimination.
2. That it recognises that Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.
3. That in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a Protected Characteristic in services and employment.
4. That this council will treat care experience as if it were a Protected Characteristic so that future services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic.
5. To formally call upon all other bodies to treat care experience as a Protected Characteristic until such time as it may be introduced by legislation.
6. To formally call upon all other bodies to adopt corporate parenting for children in care and care experienced people until such time as it may be introduced by legislation.
7. For the Council to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views.

This motion is based on a model motion developed by Show Us You Care Too”

8. Periodic Review of Polling Districts, Polling Places and Polling Stations

Report of the Head of Law and Governance (Item 8.1 - 8.7).

9. Review of Hackney Carriage / Private Hire Driver, Vehicle & Operator Licensing Policy 2023 and CCTV & Dashcam Policy

Report of the Deputy Chief Executive-Place (Item 9.1 - 9.119).

10. Comments and Questions on Part 1 Minutes of Cabinet, Committees, Sub-Committees and Panels under Rule 9

To receive any comments or questions submitted under Rule 9 on Part 1 Minutes of meetings of Cabinet, Committees, Sub-Committees or Panels as included in the Minutes Record circulated alongside this agenda.

11. Exclusion of the Public

The Chair to move the following motion:

"That the public be excluded for the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3, and 4, of Part 1, Schedule 12A, of the Local Government Act, 1972."

Cannock Chase Council

Council Meeting

Wednesday 8 November 2023 at 6:00pm

In the Council Chamber, Civic Centre, Cannock

Part 2

12. Comments and Questions on Part 2 Minutes of Cabinet, Committees, Sub-Committees and Panels under Rule 9

To receive any comments or questions submitted under Rule 9 on Part 2 Minutes of meetings of Cabinet, Committees, Sub-Committees or Panels as included in the Minutes Record circulated alongside this agenda.



**T. Clegg
Chief Executive**

31 October 2023

Guidance on Declaring Interests at Meetings

Declaring Interests at Full Council

The Code of Conduct requires that where you have an interest in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

The following interests must be disclosed where they may be affected by any matter arising at the meeting:

- (a) A **Disclosable Pecuniary Interest** is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) in respect of employment, office, trade, profession or vocation carried out for profit or gain; sponsorship; contracts; land; licences; corporate tenancies; or securities, as defined with the Localism Act, 2011.
- (b) A **Registerable Interest** includes any unpaid directorships or any body of which you are a member, or are in a position of general control, and (i) to which you are appointed by the Council, or (ii) which exercises functions of a public nature, or (iii) which is directed to charitable purposes, or (iv) one of whose principal purposes includes the influence of public opinion or policy.
- (c) A **Non-Registerable Interest** is any other matter affecting your financial interest or well-being, or a financial interest or well-being of a relative or close associate.

Where the matter **directly relates** to the interest, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where the matter **affects** the interest, but does not **directly relate** to it, you can remain in the meeting and take part **unless** the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision, and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

Please make the nature of the interest clear to the meeting

It would be helpful if, prior to the commencement of the meeting, Members informed the Monitoring Officer of any declarations of interest, of which you are aware. This will help in the recording of the declarations in the Minutes of the meeting.

Some items will be mentioned in the papers for full Council but are not actually being considered by Full Council. In such circumstances the Monitoring Officer's advice to Members is that there is no need to declare an interest unless the particular matter is mentioned or discussed. As a general rule, Members only need to declare an interest at full Council in the following circumstances:

- Where a matter is before the Council for a decision and/or
- Where the matter in which the Member has an interest is specifically mentioned or discussed at the Council meeting.

Cannock Chase Council

Minutes of the Meeting of the Council

Held in the Council Chamber, Civic Centre, Cannock

On Wednesday 6 September 2023 at 6:00 p.m.

Part 1

Present: Councillors:

Pearson, A.R. (Chair)

Arduino, L.	Jones, P.G.C.
Aston, J.	Jones, V.
Bancroft, J.T.	Kenny, B.
Bishop, L.	Kruskonjic, P.
Boulton, C.	Lyons, N.
Boyer, M.	Lyons, O.
Buttery, M.S.	Mawle, D.
Dunnett, M.J.	Muckley, A.M.
Elson, J.S.	Newbury, J.A.A.
Fitzgerald, A.A.	Owen, P.
Frew, C.L.	Preece, J.P.T.L.
Haden, P.K.	Prestwood, F.
Hill, J.	Prestwood, J.
Hoare, M.W.A.	Stanton, P.
Johnson, J.P.	Thornley, S.J.
Johnson, P.	Williams, D.W.G.
Johnson, T.B. (Leader)	Wilson, L.J.
Jones, P.T.	

26. Apologies

Apologies were submitted for Councillors S.M. Cartwright; P.A. Fisher; D. Foley (Vice-Chair); M. Sutherland; and P.C. Theodorou.

27. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No other Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

28. Minutes

Resolved:

That the Minutes of the meeting held on 12 July 2023 be approved as a correct record.

29. The Chair's Announcements and Correspondence

No announcements were made by the Chair.

30. Leader's Announcements and Correspondence

(i) Food Law Enforcement

This was an item on the agenda for later in the meeting, however, the Leader wished it noting that the Council had been recognised for its work in this field. The office of Professor Susan Jebb, Chair of the Food Standards Agency, had contacted the Environmental Health department to congratulate Cannock Chase on its work regarding food law enforcement.

The email stated that Professor Jebb had read about the Cabinet decision to adopt the new Food Law Enforcement Plan [subject to adoption by this meeting]. Professor Jebb commented "How good it was to see the Council's work being promoted like this. Thank you for the vital work you do, which is reflected by the high number of compliant businesses in Cannock Chase."

The Leader advised that he had responded to Professor Jebb's office thanking them for the comments and of course, praising the Council's Officers for their proactive efforts to protect our people and support local businesses.

The Leader offered congratulations to all concerned.

(ii) Amazon - Rugeley

The Leader advised that a Task Force meeting had taken place on Thursday, 31 August, 2023, attended by Mr. Sean Talbot, HR Manager, Amazon Rugeley. The five-week collective consultation had ended on 23 August, 2023 and a decision was made on that same date that the Amazon site at Rugeley (BHX1) would close.

Individual consultations commenced on 30 August, 2023 and would last approximately three weeks with a minimum of two consultations each. The consultations were expected to be concluded mid to end of September.

The Rugeley site would remain open for the rest of the year with a gradual ramp down in early 2024. Amazon were yet to decide on the site once they had vacated it.

Amazon would be offering an enhanced package of redundancy for anyone who decided to leave. They had no idea yet as to the number of potential redundancies. It was hoped to have a better idea of estimated numbers in ten days, and Mr. Talbot had agreed to attend another meeting in four weeks to provide a further update.

Once the individual consultations had concluded Amazon would have a better idea of what was required from the Council / partners. It was too soon to say at the moment, but it was suggested that CV workshops / jobs fairs could be organised; perhaps at the back end of the year.

It would be business as usual at the site until the end of the year, although Amazon were unable to confirm whether they would be recruiting seasonal workers to get them through the festive period.

Mr. Talbot said they would share more information at the next meeting in 4 weeks.

Staffordshire County Council had asked about them being able to supply postcode info for employees which had been requested previously – Mr. Talbot said he would investigate this and report back with the requested information.

(iii) People Out of Work in Our District

The claimant total as at July 2023 was 2,225 people, which equated to an unemployment rate of 3.5%. This was a slight increase from the corresponding June figure of 2,125 (3.4%). However, the rate for Cannock Chase was lower than the West Midlands rate of 4.9% and the national rate of 3.7%.

The Leader reminded Members that behind the figures were real people and the Council continued to commit to supporting people get back into work as soon as possible.

(iv) Chase Pride

Along with numerous members of the public and many of those in the Council Chamber, the Leader had attended the Chase Pride event in Hednesford park the previous weekend. The Leader was aware that a number of Councillors had also volunteered to support the event. It had been a great experience for him to take part in the parade. The weather was good, and everyone appeared to have a great time. The Leader advised that he would go back again the following year, and he had been able to hear the music and the crowd from his back garden until the end at 9pm.

The Leader offered thanks to the organisers and to Council staff who helped to facilitate a great celebration.

31. Questions Received Under Council Procedure Rule 8

(i) The following question submitted in accordance with Council Procedure Rule 8 was asked by Councillor A.A. Fitzgerald, Parks, Culture, and Heritage Shadow Portfolio Leader:

“Following a full review of this Council’s Capital Programme, on Thursday 30th March 2023, the previous Conservative Cabinet approved a Four-Year Parks Improvement Programme (2022-26). Under that programme, future works to the following parks were endorsed:

- Phase 2 and 3 at Laburnum Park;
- Cannock Park and Play Area;
- Heath Hayes Park;
- Oxford Road Play Area;
- Flaxley Road Play Area;
- Rugeley Skate Park; and
- Winstanley Place Play Area.

Please could Cllr John Preece, Cabinet Member for Parks, Culture and Heritage confirm whether the current Labour and Green Coalition will commit to following the previous Conservative Cabinet’s plan to improve these parks?”

The Parks, Culture, and Heritage Portfolio Leader, Councillor J.P.T.L. Preece, provided the following response:

“I would like to thank Cllr Fitzgerald for the question. I can confirm that the Labour and Green administration will commit to the Parks Improvement Programme as per the Cabinet report from the 30th of March this year. This report follows on from a series of park improvement projects the previous Labour administration had undertaken prior to May 2021, which included the redevelopments of the Cema in Norton Canes, Cannock Stadium, and Hednesford Park amongst others.

Indeed, in the capital programme prior to the change of administration in 2021 there was a proposed investment of over £800,000 on further projects and improvements including at Laburnum Avenue, Cannock Stadium and Heath Hayes Park. I am therefore happy that investment in parks continued under the last administration and is continuing under this administration.

Appendix 1 of the cabinet report from the 30th of March from earlier this year featured a timescale showing a staggered programme leading into 2027, but for new members who were not aware, it did also include a caveat for some of these parks and play areas, and I quote “play area upgrades are subject to confirmation and outcomes from the Open Spaces Strategy”.

This Open Spaces Strategy is still ongoing, but having spoken with officers, playgrounds are just one part of this strategy, and I am happy to confirm that although the strategy may inform and relate to some of the areas mentioned on this programme, they will not prevent the work taking place. I can also confirm in consultation with the leader that where development money is specified for certain wards it will be spent in those wards.

One issue I would wish to raise with respect to an area on this list is Flaxley Park, and it was here that I had the pleasure of meeting with Cllr Williams just after my appointment to this portfolio to talk about the site. Unfortunately, Flaxley Park has recently been the subject to some serious vandalism to the flooring that has led to its closure on safety grounds. This is in addition to vandalism in other parks recently

I am sure all councillors will join with me in condemning this mindless vandalism. Flooring of this kind is not cheap and requires specialist contractors to replace. When a playground or a park is vandalised, it puts increasing strain on finances of this council and on officers’ time where it could be better spent on developing the improvement programmes we all want. If anyone sees vandalism like this taking place, or knows of someone who may be involved please let the police know by either phoning 999 if it is happening at that time, or 101 if they have information relating to such activity.”

(ii) The following question submitted in accordance with Council Procedure Rule 8 was asked by Councillor O. Lyons, Councillor for Western Springs ward:

“The previous Conservative-led Council approved works and funding to replace Elmore Park toilets as it is not accessible for wheelchair users, families with pushchairs and has no running water.

Prior to the change of administration in May, proposals were drawn up for the new toilets to be designed to include baby changing facilities, to be fully accessible and to meet the requirements of a low carbon future. That tendering process has now completed and the plan was for the old toilet block to be demolished and a new fabricated toilet block installed.

Please can the Cllr John Preece, Cabinet Member for Parks, Culture and Heritage confirm that this Labour and Green Coalition are following the previous Conservative Cabinet’s plan and work is still on track to be completed in October.”

The Parks, Culture, and Heritage Portfolio Leader, Councillor J.P.T.L. Preece, provided the following response:

“I would like to thank Cllr Lyons for this question, I can tell from your claims regarding the progress of the toilets on your social media post that this is something you have been keeping a keen eye on over the years. I am somewhat confused, however, as to why this question was directed to me.

I updated Cabinet members during the last Cabinet meeting (10 August, 2023), about the progress of the construction of the Elmore Park toilets, I did point out that this project sat within the portfolio of the Innovation and Resources Leader and that I was speaking on the update with the agreement of Cllr. Prestwood as a joint update. Nevertheless, Cllr. Prestwood and I have spoken about this again and I am happy to answer this question.

I can confirm that the contract to install a new toilet block has been signed. The contractor is Healthmatic Ltd and the contract start date is the 4th September. The contract allows for a 12 week period, and so the estimated end of the contract will be the 26th of November, as per the contract. The project will involve the prefabrication of the toilet block offsite, and therefore although the prefabrication works will be underway not much will be seen on site until the demolition of the toilet block and the installation of the unit and associated works. We anticipate that the toilets will be demolished around mid to late October. The block will have 1 accessible toilet, and 1 standard toilet, with a service unit situated behind the standard toilet.

This will hopefully draw to a conclusion a renovation project that was first put into the council's work schedule at the cabinet meeting on the 30th January 2020 following a petition, when former Cllr. Christine Mitchell moved the report and I was proud to have supported as a Cabinet member. It's fitting that a project whose foundations were laid under a Labour administration now gets to be completed under a Labour and Green Administration.

With reference to the two statements you make in your question would like to address them for the benefit of the public record as they directly relate to and contradict the answers I have given.

Firstly, you ask whether the plan is still "on track to be completed in October". I have checked the Cabinet report of 25th of August 2022 and could see no completion date was given, I also checked on the official press releases and could not see there that any mentioned of an October deadline either. I then asked officers who confirmed to me that no October completion date was given by them. In fact, the only mention of an October deadline in any public document or communication was via yours and other Conservative Councillors' social media pages.

Project timescales were mentioned, however, in the Tender Documents for the benefit of potential bidders. This document was issued in May under the previous Conservative administration when the tendering process began. I have it here, item iv – 4 - of the document refers to project duration and states "the contract will be from July 2023 to December 2023"

Item vii – 7 – gives an indicative timetable of the project and whilst there is reference to start dates there is no mentioned of an October finish. In fact below it does state, and I quote, "All dates are indicative only and may be subjected to change where necessary." In conclusion I cannot see any official referral to an October completion and ask that you correct your statements to that effect where they appear.

Secondly, you state "prior to the change of administration in May plans were drawn up for the toilets...to be fully accessible". The August 2022 cabinet meeting passed plans for the Elmore Park toilets and part of this approval delegated the drawing up of the plans for the toilets to the officers and the portfolio holder for Innovations and Resources. I can confirm that as part of the feasibility study into the design as part of the pre tendering process over October and November last year the fully accessible design was change to 1 accessible toilet and 1 standard toilet, and this design has remained ever since.

In fact a press release released on the 23rd of March, in which the previous portfolio holder for Innovations and Resources is also quoted, states “there will be two unisex toilets provided, with one accessible”, and this was shared on the same day by Cllr Frew as part of the Brereton and Rugeley Councillors team. This is not the fully accessible toilet scheme that the previous Conservative administration promised, or tendered for – and again I ask that these statements are also corrected where they appear.

Thus, Cllr. Lyons, in review, I can confirm that like you, this administration is supportive of the provision of new toilets in Elmore Park for the benefit of people of Rugeley. Although the development design has led to only one of the two toilets being accessible, this was confirmed as accepted by the previous administration in March 2023, and is supported by the current administration.

The contract has now been let and the works will proceed this autumn, for which this administration is supportive of Council Officers managing the contract in the best interests of the Council.”

32. Recommendations Referred from Cabinet

Consideration was given to the following recommendations to Council, made by Cabinet at its meeting held on 10 August 2023, in respect of:

(i) Food Law Enforcement Service Plan 2023-25 (Cabinet 10/08/23, Draft Minute Number 24)

“That Council, at its meeting to be held on 6 September 2023, be recommended to:

- (i) Approve the Food Law Enforcement Service Plan (as attached at Appendix 1 of the 10 August 2023 Cabinet report), and
- (ii) Delegate authority to the Head of Regulatory Services to review, amend, update, and approve future Food Law Enforcement Service Plans.”

Resolved:

That:

- (A) The Food Law Enforcement Service Plan (as attached at Appendix 1 of the 10 August 2023 Cabinet report) be approved.
- (B) Authority be delegated to the Head of Regulatory Services to review, amend, update, and approve future Food Law Enforcement Service Plans.

(ii) Environmental Health & Public Protection Service Enforcement Policy 2023 (Cabinet 10/08/23, Draft Minute Number 25)

“That Council, at its meeting to be held on 6 September 2023, be recommended to:

- (i) Approve the Environmental Health & Public Protection Enforcement Policy (as attached at Appendix 1 of the 10 August 2023 Cabinet report), and
- (ii) Delegate authority to the Head of Regulatory Services to review, amend, and / or update the Environmental Health & Public Protection Enforcement Policy as necessary, due to changes in legislation, government guidance, and in the interests of operational efficiency.”

Resolved:

That:

- (A) The Environmental Health & Public Protection Enforcement Policy (as attached at Appendix 1 of the 10 August 2023 Cabinet report) be approved.
- (B) Authority be delegated to the Head of Regulatory Services to review, amend, and/or update the Environmental Health & Public Protection Policy as necessary, due to changes in legislation, government guidance, and in the interests of operational efficiency.

33. Motions Submitted Under Council Procedure Rule 6

- (i) Consideration was given to the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor O. Lyons, Leader of the Opposition:

“Defibrillators

More than 30,000 sudden cardiac arrests occur each year outside of a hospital or healthcare setting. Sadly, in those circumstances, less than 1 in 10 people survive. The chances of survival increase if immediate CPR and defibrillation is performed, particularly if this takes place within three minutes.

Cannock Chase District Council recognises that publicly accessible defibrillators save lives and acknowledges the role the Council can play in helping to improve accessibility for local residents.

At present, defibrillators are located at the Pavilion in Hednesford Park, the changing rooms at Heath Hayes Park and at the home of Brereton and Ravenhill Parish Council which sits within Ravenhill Park - all of these parks are managed by Cannock Chase District Council.

A number of the facilities managed by Inspiring Healthy Lifestyles also house defibrillators, including three at Chase Leisure Centre which neighbours Cannock Park and Cannock Park Golf Course (one is sited externally and two internally at the reception and golf reception), two at Rugeley Leisure Centre (one sited externally and one internally at reception), one at the reception of Fives Pavilion and one within the Prince of Wales Theatre. In addition to this, there is also a number of defibrillators located at the Civic Centre (including one at reception, one on the second floor and one in the Civic Suite).

To further raise awareness and improve accessibility, Cannock Chase District Council commits to:

1. Ensure that the maintenance records of all existing devices are up to date, with the expiration dates of the electrode pads monitored, batteries checked and a plan in place to ensure that each device is periodically serviced by a professional;
2. Undertake a prompt review (within the next quarter) of Council managed locations and larger, main parks which are popular destinations for the public but which do not currently have defibrillators in place (such as Elmore Park in Rugeley and Cannock Stadium) with a view to funding and implementing the lifesaving equipment;
3. Ensure that Council employees who working within or assigned to work at each of these locations are provided with training on the use of defibrillators; and
4. Launch an awareness campaign to encourage local businesses, community groups, places of worship, social clubs, social enterprise organisations and sports clubs who may have their defibrillators to ensure that they are registered on The Circuit.

*(*Statistics from the Heart Foundation)**

Resolved:

That the Council commits to:

- (A) Ensure that the maintenance records of all existing devices are up to date, with the expiration dates of the electrode pads monitored, batteries checked and a plan in place to ensure that each device is periodically serviced by a professional.
- (B) Undertake a prompt review (within the next quarter) of Council managed locations and larger, main parks which are popular destinations for the public but which do not currently have defibrillators in place (such as Elmore Park in Rugeley and Cannock Stadium) with a view to funding and implementing the lifesaving equipment.
- (C) Ensure that Council employees working within or assigned to work at each of the locations are provided with training on the use of defibrillators.
- (D) Launch an awareness campaign to encourage local businesses, community groups, places of worship, social clubs, social enterprise organisations and sports clubs who may have their defibrillators to ensure that they are registered on The Circuit.

34. Review of the Constitution

Consideration was given to the Report of the Head of Law & Governance (Item 9.1 - 9.39).

Resolved:

That the Constitution be updated to align with the senior management structure and to provide delegated authorities to the Deputy Chief Executives, as set out in Appendix 1 of the report.

35. Comments and Questions on Part 1 and Part 2 Minutes of Cabinet, Committees, Sub-Committees and Panels Under Council Procedure Rule 9

None received.

The meeting closed at 7:00 p.m.

Chair

Periodic Review of Polling Districts, Polling Places and Polling Stations

Committee:	Council
Date of Meeting:	8 November 2023
Report of:	Head of Law and Governance

1 Purpose of Report

- 1.1 To advise Council of the requirement and process for the compulsory periodic review of UK Parliamentary polling districts and polling places, which is required to be started and completed between 1 October, 2023 and 31 January, 2025 (inclusive).

2 Recommendations

- 2.1 That the timescales; review process and associated matters be noted.
- 2.2 That a further report be brought before Council on completion of the review.

Reasons for Recommendations

The Electoral Registration and Administration Act, 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places, requiring that they must be started and completed within the period of 16 months of every fifth year after 1 October, 2013. This means that the next compulsory review must be started and completed between 1 October, 2023 and 31 January, 2025 (inclusive). This report outlines the timescales; processes to be followed; and associated matters relevant to the review. A further report will be brought back to Council on conclusion of the review.

3 Key Issues

- 3.1 Although the start and end of the period in which the review must be undertaken and completed is defined, the length of the review process is not prescribed. Individual local authorities can, therefore, start the process at any point within the period provided all the steps required by the legislation can be undertaken within it. The time allowed for consultation should be sufficient to enable interested persons and groups to read and understand the proposals and make comments, including any alternative arrangements that they may wish to submit.
- 3.2 Statute and good practice recommends that the Council should also undertake periodic reviews of polling districts and polling places as required for local elections. However, Cannock Chase Council has the benefit that the Parliamentary Constituency and local authority District boundaries are coterminous and the same polling places are utilised for both national and local elections. Therefore, undertaking the Parliamentary review effectively also satisfies local requirements and vice versa.

- 3.3 Furthermore, the Council will be electing to new District electoral wards from May, 2024 onwards, following a local Government Boundary Commission for England (LGBCE) review of electoral arrangements. Accordingly, polling districts; polling places; and polling stations will have been comprehensively reviewed in advance of the May, 2024 elections and it is likely that only a 'light-touch' Parliamentary review will be necessary.

4 Relationship to Corporate Priorities

- 4.1 The Council through its democratic process supports all of the Council's Corporate Priorities

5 Report Detail

- 5.1 Section 18 of the Representation of the People Act, 1983, placed a responsibility on local Councils to divide their area into polling districts for the purpose of Parliamentary elections and to designate the polling places for those polling districts. The Electoral Administration Act, 2006 (EAA 2006), introduced a duty on all local authorities to review their UK Parliamentary polling districts and polling places at least once every four years. This requirement was subsequently amended by the Electoral Registration and Administration Act, 2013 (ERAA 2013), which brought the reviews in line with revised five year UK Parliamentary fixed terms (Fixed Term Parliaments Act, 2011).

- 5.2 Two unscheduled UK Parliamentary General Elections - in June, 2017 and December, 2019 - unhitched the synchronous timing of the reviews. The Dissolution and Calling of Parliament Act, 2022 subsequently repealed the Fixed Term Parliaments Act, 2011, but no changes were made to the review requirements, which remain set at 5 year intervals.

5.3 Definitions

- Polling district - A *geographical area* created by the sub-division of a UK Parliamentary constituency; a County electoral division; or a District ward into smaller parts. (In England, each parish is a separate polling district, unless there are special circumstances.)
- Polling place - The *particular building or area* in which a polling station(s) will be selected by the (Acting) Returning Officer. (The Council must designate a polling place for each polling district, unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors.)
- Polling station - A *room or other area within the polling place* where voting takes place. Unlike polling districts and polling places which are determined by the local authority as part of the review, polling stations are chosen by the (Acting) Returning Officer, and may be redesignated within the polling place by him without the need for further review.
- Returning Officer (RO) - In a county constituency, such as Staffordshire, the RO at Parliamentary elections is the Sheriff of the County. However, for practical purposes, the RO appoints (Acting) Returning Officers to undertake all necessary functions on their behalf at a local constituency level.

- (Acting) Returning Officer - The Electoral Registration Officer for the local authority covered by the constituency will be designated as (A)RO by an order made by the Secretary of State. This person would also usually be the local authority's Returning Officer at local elections.

5.4 The review requires the Council to:

- Divide the Parliamentary constituency (Cannock Chase) into polling districts for the purposes of UK Parliamentary elections and to designate a polling place for each polling district. Polling places should be within the polling district unless special circumstances make it desirable to designate an area outside the district. (Cannock Chase has one polling place that sits just outside the district boundary; though access to it is from within the district.)
- Seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances.
- Seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons.

The following are **not** considered as part of the review:

- The changing of any District ward boundaries. (NB This will happen, anyway, as a result of the LGBCE review of electoral arrangements.) The review is concerned only with the administrative subdivision of a ward into polling districts which are then assigned polling places; or
- The changing of polling districts in areas which are also aligned with parish boundaries and therefore cannot be amended during this review (these can only be amended through a Community Governance Review).

5.5 The Council has scheduled local elections in May, 2024, which will be combined with the Police, Fire & Crime Commissioner for Staffordshire election. On this occasion, the local elections have an added layer of complication, as they are 'all out' elections (i.e. all 36 Councillors) across the 12 new District wards. As a result of the LGBCE review, which affects ward boundaries within the District, polling places / polling stations are already being reviewed and will be in place for the 2024 elections. Consideration is also being given, where practicable, to the draft proposals of the LGBCE review of Staffordshire County Council electoral divisions. Consequently, there is unlikely to be a need for any further review in respect of Parliamentary polling districts etc.

5.6 The Council usually elects its Members 'by thirds', though 2024 will see an 'all out' election as referred to in 5.5, above, along with an election for the Police, Fire and Crime Commissioner for Staffordshire. A UK Parliamentary General Election (UKPGE) must take place before 28 January 2025, and could be called at relatively short notice now that the Fixed Term Parliament Act has been repealed. Returning Officers are required to ensure that a UKPGE is conducted on the new Parliamentary Constituency boundaries. However, this should not adversely affect the timing of the review as the Cannock Chase Parliamentary constituency

boundary is unchanged. Subsequent to a UKPGE, County Council elections will be held in May, 2025; and the next CCDC elections will be in May, 2026.

- 5.7 One of the advantages of having elections each year - in addition to any in-year by-elections that take place - is that the Electoral Services team is, effectively, in a constant cycle of review and assessment of polling places and polling stations. In addition to formal consultation, electors' views will also be sought on the suitability of the polling places / stations used at the May, 2024 elections by asking them to complete an optional short questionnaire.
- 5.8 The Electoral Services team are already familiar with the polling places that are utilised at elections. On occasion, there might be a requirement to change the locations of polling stations and, more rarely, polling places, to address particular needs between formal reviews.
- 5.9 The legislation requires that changes to polling places (venues) follow the same process as for a full review unless the Council has in place an alternative delegated procedure. The Council has such a procedure in place, which forms part of the Council's Constitution's Scheme of Delegations. Per paragraph 26.11.25, the Returning Officer, has delegated authority "To make changes to polling districts and polling places, as may be required, in between formal reviews." In so doing, local Ward Members and the respective Group Leaders are consulted, to make them aware of the reasons for the proposed changes. This also gives the Ward Members an opportunity to suggest any other alternative venues for the affected polling places, based on their own local knowledge.

This process adopts a pragmatic approach to the matter, avoiding the unnecessarily burdensome and time-consuming prescribed procedure of seeking Council approval. This is particularly important if venues become unavailable at short notice or are unable to accommodate an unscheduled election. By way of demonstrating the value of this approach, since the conclusion of the last review, 11 polling places (19 polling stations) have changed (one of which was temporary and has since reverted); with at least three more planned to change in time for the May, 2024 elections. A number of further changes may also be required because of the changed CCDC ward boundaries.

5.10 Use of schools

By law, for the purpose of taking the poll in England and Wales, the (Acting) Returning Officer is entitled to use free of charge schools maintained or assisted by a local authority as well as those schools that receive grants made out of moneys provided by Parliament. This includes academies and free schools. The County Council sends annual reminders to Head teachers and Chairs of Governing Bodies of the rights of (Acting) Returning Officers in this regard.

Although this can be disruptive and is, understandably, unpopular with Head teachers, provision exists for INSET days to be utilised to minimise the impact of the scheduled elections. Scheduled elections always fall on the first Thursday in May each year and should be factored in by schools when planning the academic year. Where possible / practicable to do so, every effort has been made over the years to relocate polling places / stations away from schools. Of the changes referred to at 5.9, above, a total of 13 polling stations have been relocated from

seven schools' buildings since the last formal review, with one further relocation planned for the May, 2024 elections.

However, it must be recognised that there is a shortage of suitable / available alternative facilities in the District, and, unfortunately, schools' premises remain one of the default locations. Using alternative venues is also likely to result in additional costs to the Council. Nonetheless, the Electoral Services team continues to work with schools to try to minimise any inconvenience, as referenced above.

5.11 Formal Review Process

There is a prescribed process for conducting the review, which is outlined in Appendix 1 to this report. In summary the stages are:

Stage 1 - Notification of the review.

Stage 1 - Consult on the review.

Stage 3 - Conclude the review.

Stage 4 - Publish the conclusion of the review.

Appeals - Deal with any appeals lodged with the Electoral Commission.

6 Implications

6.1 Financial

Undertaking the review will incur indirect additional costs to the authority, largely in respect of Officer time. It is not possible to quantify these. No additional grant funding is available for this purpose, and the costs will have to be met from existing budgetary provisions.

6.2 Legal

The review is a statutory requirement as detailed in the report.

6.3 Human Resources

None.

6.4 Risk Management

Should it fail to plan for and undertake the review, the Council would not be fulfilling its statutory obligations in this regard.

6.5 Equalities and Diversity

Equality considerations are embedded within the requirements of the review.

6.6 Health

None.

6.7 Climate Change

None.

7 Appendices

Appendix 1: Polling Place Review Process

8 Previous Consideration

None in respect of this review.

9 Background Papers

Section 31 Representation of the People Act, 1983 (RPA 1983)

The Electoral Administration Act, 2006 (EAA 2006)

The Electoral Registration and Administration Act, 2013 (ERAA 2013)

[The Dissolution and Calling of Parliament Act, 2022 repealing the Fixed Term Parliaments Act, 2011]

The Electoral Commission Guidance: Reviews of Polling Districts, Polling Places and Polling Stations

Contact Officer:	Steve Partridge
Telephone Number:	01543 464 588
Ward Interest:	All
Report Track:	Council: 08/11/23
Key Decision:	N/A

The Formal Polling Place Review Process (Schedule A1 steps)

When carrying out the review, local authorities must:

- Publish a notice of the holding of a review.
- Consult the (Acting) Returning Officer ((A)RO) for every parliamentary constituency which is wholly or partly in its area.
- Publish all representations made by an (A)RO within 30 days of receipt by posting a copy of them at the local authority's office and in at least one conspicuous place in their area and by placing a copy on the authority's website.
- Seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the representations made by the (A)RO(s).

On completion of a review, the local authority must give reasons for its decisions and publish:

- All correspondence sent to an (A)RO in connection with the review.
- All correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
- All representations made by any person in connection with the review.
- The minutes of any meeting held by the council to consider any revision to the designation of polling districts or polling places within its area as a result of the review.
- Details of the designation of polling districts and polling places within the local authority area as a result of the review.
- Details of the places where the results of the review have been published.

Review of Hackney Carriage / Private Hire Driver, Vehicle & Operator Licensing Policy 2023 and CCTV and Dashcam Policy

Committee:	Full Council
Date of Meeting:	8 November 2023
Report of:	Deputy Chief Executive-Place

1 Purpose of Report

- 1.1 To seek approval and adoption of Cannock Chase District Council's revised Hackney Carriage and Private Hire Driver, Vehicle and Operator Licensing Policy ('the Policy').
- 1.2 To seek approval and adoption of Cannock Chase District Council's CCTV and Dashcam Policy.

2 Recommendations

- 2.1 Council approves and adopts the Policy at Appendix 1 to this report.
- 2.2 Council approves and adopts the proposed CCTV and Dashcam Policy at Appendix 12.
- 2.3 The Head of Regulatory Services be authorised to make amendments to the Policies required due to changes in legislation or government guidance and variations to the Policy in the interests of service improvement / operational efficiency.
- 2.4 The Head of Regulatory Services, subject to broad headline dates being agreed by Council, be given the discretion to determine the timescales within the revised Policy relating to vehicle emissions, the phasing out of licensed vehicles powered only by internal combustion engines and the introduction of electric and hybrid vehicles into the licensed taxi and private hire fleet.
- 2.5 The Chief Executive be requested to present the revised Policy to the Staffordshire Sustainability Board, with a view to gaining County-wide consensus relating to taxi and private hire vehicle emissions; the phasing out of licensed vehicles powered only by internal combustion engines; and the introduction of electric and hybrid vehicles into the County's licensed taxi and private hire fleet(s).

Reasons for Recommendations

- 2.6 The Council's primary aim in carrying out its Taxi and Private Hire licensing function is to protect and promote public safety. The Council must ensure that licensed vehicles are fit for purpose and that licensed drivers are 'fit and proper' in accordance with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

- 2.7 In order to effectively discharge these legal obligations the Council requires a policy framework to guide officers and members in making decisions concerning the trade and / or individuals. Following extensive consultation, a revised and updated 2023 Policy has been produced.
- 2.8 The Policy provides clear guidance on the taxi and private hire licensing process and explains how the Council will make decisions in relation to the licensing of vehicles, drivers and operators.
- 2.9 It is hoped that the revised Policy can be used to inform discussion between authorities within Staffordshire on reaching common goals and minimum standards for vehicle emissions, improved accessibility and enhanced safety and safeguarding in relation to the taxi and private hire trades.

3 Key Issues

- 3.1 The Council is charged with ensuring the safety and suitability of vehicles, drivers, and operators of hackney carriages ('taxis') and private hire vehicles (minicabs). The key difference between these two classes of vehicle is that taxis can stand at ranks, and can be hailed in the street, whereas minicabs **MUST** be pre-booked (via a booking office or an App). It is illegal for a minicab to pick up a customer off the street (or from anywhere else) unless the vehicle has been pre-booked. Any such journey would not be covered by insurance.
- 3.2 Alongside the primary function of safety and suitability, a further key objective of the Policy is to assist the Council in meeting its vision of Carbon neutrality by 2030, as stated in the Council's Climate Change declaration.
- 3.3 A 2022 consultation process specifically sought views on the phasing out of licensed vehicles which are powered only by an internal combustion engine (ICE) and the introduction into the licensed fleet of electric and hybrid vehicles. The revised Policy, at Appendix 1, reflects the consultation process and the responses received.
- 3.4 The 2022 consultation also sought views on how Council policy might best ensure equality in service provision and in particular, that appropriate numbers of wheelchair accessible vehicles (WAVs) are available to meet customers' needs. There was no clear consensus on this issue and further work will be required to determine an appropriate policy response, as detailed in paragraph 6.5 below.

4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:

(i) **Economic Prosperity**

benefitting the local economy through provision of essential local transport within the District, supporting in particular the night time economy; implementing risk-based, proportionate controls; ensuring all licence holders are treated equitably; ensuring non-compliance does not lead to unfair competitive advantage.

(ii) **The Community**

Promoting equality of access to services and protecting public safety, particularly for those who are, or who could become, vulnerable. Ensuring licensed drivers are 'fit and proper' through checks on driving, medical and criminal records; ensuring licensed vehicles are safe and suitable, through mechanical testing and ad hoc inspections; ensuring licence holders receive awareness training covering their obligations and contributions towards reporting modern slavery and child sexual exploitation matters; promoting improved air quality through compliance with vehicle emission standards.

5 Report Detail

5.1 The hackney carriage ("taxi") and private hire vehicle (minicab and chauffeur driven vehicle) trades provide a vital service to residents and visitors to Cannock Chase District in both the day and night-time economies, particularly in areas of the District with limited public transport.

5.2 Currently the Council, through the Environmental Health Licensing Unit, licenses:

- 270 Hackney Carriage / Private Hire Drivers (dual licences)
- 216 Hackney Carriages
- 16 Private Hire Vehicles
- 11 Private Hire Operators (providers of a base and radio network)

5.3 In order to effectively administer the licensing regime, the Council requires a policy framework. The purpose of the Policy is to:

- Ensure the safety of the public and that all prospective hirers of vehicles are treated with dignity and respect.
- Ensure that drivers are fit and proper and vehicles are safe and suitable.
- Provide a robust, and legally compliant, decision-making framework which protects the Council should decisions be challenged in the Courts.
- Provide information to the trade, elected members, officers and the wider public on how the Council administers taxi / private hire licensing.

5.4 The consultation exercise covered several key policy areas, including:

Improved air quality and vision of Carbon neutrality

- The phasing out of vehicles powered only by diesel and petrol engines;
- The phased introduction of electric and hybrid vehicles into the Council's fleet in order to help meet Council Carbon neutrality commitments.
- The age at which a vehicle may be offered as new to licensing.

Wheelchair accessible vehicles (WAVs)

- The manner in which the Council might increase the numbers of WAVs within our current fleet of licensed vehicles.

CCTV in licensed vehicles

- To determine whether there is justification for a mandatory requirement to fit CCTV into licensed vehicles

- To clarify the legitimate use of Dashcams within licensed vehicles

Darkened rear windows in licensed vehicles

- To consider whether the current Council Policy on darkened windows remains appropriate.

Vehicles subject to insurance write off

- To establish a safe process for the licensing of insurance category S & N vehicles

- 5.5 The draft policy was consulted on during a 4-week period between 16 June 2022 and 10 July 2022. Interested groups were consulted and the draft consultation document was posted on the Council's website.
- 5.6 The Council's Licensing & Public Protection Committee were made aware of the consultation responses and the proposed changes to the Policy at a meeting held on 13 September 2023.
- 5.7 A summary of the consultation responses, together with officer appraisals and suggested Council response, are attached to this report as Appendices 2,3,4,5,6,7,8 and 9.
- 5.8 A complete set of consultation responses is available in the Environmental Health Licensing Unit should members wish to view these.
- 5.9 The Council's proposed response to the consultation process is attached to this report as Appendix 10.
- 5.10 A summary of proposed changes to the Policy is attached as Appendix 11 to this report.
- 5.11 The Council's CCTV and Dashcam Policy is attached as Appendix 12 to this report.
- 5.12 The 2022 consultation document is attached as Appendix 13 to this report.

6 Implications

6.1 Financial

There are no direct financial implications to the Council at this stage. Taxi and private hire licensing fees are regularly reviewed. The outcomes of such reviews are considered as part of the budget / fees and charges process.

6.2 Legal

The revised policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The Policy provides assurance that decisions in relation to the grant, renewal, suspension or revocation of licences are able to withstand challenge and scrutiny by outside bodies including the Courts.

6.3 Human Resources

None.

6.4 Risk Management

The Policy will help ensure that the Council is able to effectively discharge its statutory licensing functions.

6.5 Equalities and Diversity

The Policy will be made available in large print, Braille and as an audio version, on request.

It is recognised that the Council licenses relatively few wheelchair accessible vehicles (WAVs).

Across Staffordshire, the number of WAVs licensed by each authority, and as a proportion of total vehicles licensed, is mixed as shown in the table below. Tamworth has the highest proportion of WAVs, at 65% of all licensed vehicles. Both East Staffordshire (20%) and Staffordshire Moorlands (17.4%) have relatively high proportions of WAVs, followed by Stafford (9.9%) and Stoke-on-Trent (9.5%) then South Staffordshire (4.4%), Cannock Chase (3.5%) Newcastle under Lyme (3%), and Lichfield (2.3%), all with relatively low numbers.

The Council has been in discussion with MENCAP about the lack of WAVs. MENCAP have offered to work with the Council in examining ways in which to increase the numbers of WAVs in the District. It is therefore proposed to set up a working group, to be overseen by the Chair of Licensing & Public Protection Committee which will invite local groups, residents, the trade, and other interested parties to carry out a wider piece of work and report back to the Council in 6 months' time.

An Equality Impact Assessment has been carried out for the Policy and is available on request.

6.6 Health

No direct implications, but health and wellbeing forms part of the wider Policy consideration in relation to the licensing of Wheelchair Accessible Vehicles.

6.7 Climate Change

In July 2019, the Council declared a Climate Emergency, which committed the Council to a vision of Carbon Neutrality by 2030. The Council is therefore keen to introduce electric and hybrid vehicles into the licensed taxi and private hire fleet.

The 2022 consultation process specifically sought views on the phasing out of licensed vehicles which are powered only by an internal combustion engine (ICE) and the introduction into the licensed fleet of electric and hybrid vehicles.

Should the Policy as drafted be adopted, the Council will be committing to ending the licensing of ICE-only powered vehicles beyond 2030. This commitment places Cannock Chase Council ahead of all other authorities in Staffordshire and is one made by very few authorities in the wider West Midlands.

7 Appendices

Appendix 1: Revised Taxi Policy 2023

Appendix 2: Mr Steven Toy, trade response and officer appraisal.

Appendix 3: Councillor Olivia Lyons, response and officer appraisal.

Appendix 4: Councillor Mike Sutherland, response and officer appraisal.

Appendix 5: Councillor Paul Jones, response and officer appraisal.

Appendix 6: Councillor Valerie Jones, response and officer appraisal.

Appendix 7: Staffordshire County Council, response and officer Appraisal.

Appendix 8: Mr Majid Hussain, trade response and officer appraisal.

Appendix 9: Mr David Lawrie, trade response and officer appraisal.

Appendix 10: Council's proposed response to the consultation process.

Appendix 11: Summary of changes to the Licensing Policy.

Appendix 12: CCTV and Dashcam Policy

Appendix 13: 2022 consultation Document

8 Previous Consideration

None.

9 Background Papers

Full consultation document and responses are available in the Licensing Unit.

Contact Officer: David Prosser-Davies

Telephone Number: 01543 464 202

Ward Interest: All

Report Track: Council 08/11/23

Key Decision: N/A



**HACKNEY CARRIAGE/
PRIVATE HIRE DRIVER,
VEHICLE & OPERATOR
LICENSING POLICY**

INCLUDING LICENCE CONDITIONS

Effective November 2023

1.	Introduction	Page 5
1.2	National Standards and Driver Suitability Guidance to Licensing Authorities	Page 5
1.11	The Policy Consultation Process	Page 6
1.12	Policy Objectives	Page 7
1.13	Relationship to the Council's Corporate Priorities	Page 7
1.14	Future Changes	Page 8
1.16	Information Sharing	Page 8
1.17	Data Protection	Page 8
1.18	Equality and Diversity	Page 8
1.19	Crime and Disorder Act 1988	Page 9
2.	General Driver Information, Expectations and Policy Requirements	Page 9
2.17	Requirement for Drivers to Notify the Council's Licensing Unit	Page 11
2.25	Driver Training	Page 12
2.29	Disclosure & Barring Service (DBS) Enhance Disclosure Update Service	Page 12
2.31	DVLA Driving Licences	Page 13
2.37	Assessment by the Council's Medical Advisor	Page 14
2.42	Whilst Driving a Licensed Private Hire Vehicle	Page 14
2.46	Whilst Driving a Licensed Hackney Carriage Hire Vehicle	Page 14
3.	New Applicants for Hackney Carriage/Private Hire Drivers' Licences	Page 15
3.8	Disclosure & Barring Service (DBS) Enhanced Disclosure	Page 16
3.11	Assessment of Fitness and Propriety	Page 16
3.17	Knowledge Test	Page 17
3.19	Assessment by the Council's Medical Advisor	Page 17
4.	General Vehicle Information Expectations and Policy Requirements	Page 18
4.18	Wheelchair Accessible Vehicles (WAV's) and Rear Loading Vehicles	Page 19
4.21	CCTV in Licensed Vehicles	Page 20
4.27	Transfer of Licensed Vehicles	Page 20

4.28	Licensing of Category S and N Written off Vehicles	Page 21
4.29	Requirements for Proprietors to Notify the Council's Licensing Unit	Page 21
5.	Hackney Carriage Proprietor Vehicle Licences	Page 21
5.4	Fitness and Propriety of Hackney Carriage Proprietors	Page 22
5.7	Advertising, Logos and Livery on Hackney Carriage Vehicles	Page 22
5.11	Hackney Carriage Fares	Page 22
6.	Private Hire Vehicle Licences.	Page 23
6.10	Novelty Vehicles	Page 24
7.	Private Hire Operators' Licences.	Page 24
	Licence Conditions and Annexes	Page 26
1.	Hackney Carriage/Private Hire Driver Licence Conditions	Page 26
2.	Hackney Carriage Proprietors' Licence Conditions	Page 28
3.	Private Hire Vehicle Licence Conditions	Page 31
4.	Private Hire Operators' Licence Conditions	Page 33
A.	Guidance on Determining the Suitability of Applicants and Licensees in Hackney Carriage and Private Hire Trades	Page 35
B.	Spent Convictions	Page 40
C.	Minor Traffic Offences	Page 42
D.	Major Traffic Offences	Page 43
E.	Matrix of Penalties for Offences Committed Within Three Rolling Licence Years.	Page 44
F.	Vehicle Emissions and Carbon Neutrality	Page 46
G.	Dress Code	Page 47
H.	Rules of the Rank and Guidance for Drivers on the use of the Ranks	Page 48
I.	Fares for Hackney Carriage Journeys	Page 49
J.	Idling Vehicles Contribute to Air Pollution	Page 50
K.	Guidance on Passenger's Safety In Licensed Vehicles	Page 51
L.	How to compliment, comment or complain about a Licensed Driver or Vehicle	Page 53
M.	Fair Processing Notice	Page 54

AMENDMENT RECORD

Amendment No.	Date of Amendment	Revision
1	8 July 2014	Amendment to the wording in paragraph 1 on page 15 which relates to the Equality Act 2010.
2	7 July 2016	Revision of policy including the addition, amendment and removal of conditions.
3	April 2021	Revision and updating of the Policy to include the introduction of DfT National Standards, the Institute of Licensing Policy on the Suitability of Applicants and Licencees in the Hackney and Private Hire Trades and the National Register of Taxi Licence Revocations & Refusals (NR3). The revision also included the addition, amendment and removal of some conditions and policy requirements.
4	21 April 2021	Adopted by Full Council with agreed implementation date of June 2021
5	8 November 2023	Revision and updating of the Policy to include clarification of a number of matters considered necessary for continued improvement; the introduction of new NR3 requirements, and Council objectives regarding vehicle emissions and carbon neutrality

1.	Introduction
1.1	<p>In carrying out its taxi and private hire licensing function, Cannock Chase District Council (The Council) will have regard to the Statutory Taxi & Private Hire Vehicle Standards as required by the Policing and Crime Act 2017 and in doing so it will seek to promote the following objectives:</p> <ul style="list-style-type: none"> • Safety and health of drivers and the public • High standards of vehicle safety comfort and access • Prevention of crime and disorder and the protection of consumers • Environmental sustainability through improved air quality • Equality and accessibility in service provision • Promotion of good behaviour and professional conduct
National Standards and Driver Suitability Guidance to Licensing Authorities	
1.2	<p>The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places a duty on the Licensing Authority to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles.</p> <p>This policy applies to:</p> <ul style="list-style-type: none"> • Hackney Carriages; being public transport vehicles which are licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public within the Cannock Chase District. • Private Hire Vehicles: licensed as a vehicle to carry no more than 8 passengers but must be booked in advance by customers through an operator and may not ply for hire in the street. • Private Hire Operators • Hackney Carriage & Private Hire Drivers <p>The Statutory Taxi & Private Hire Vehicle Standards, issued by the Department for Transport (DfT) in July 2020, assert that taxis and private hire vehicles are a high risk environment and that minimum standards are required to regulate the taxi and private hire sector. Cannock Chase Council will have regard to these national Standards within its revised Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy.</p> <p>Although the said standards focus on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained within the DfT document and the DfT expects the recommendation contained within the Statutory Taxi & private Hire Vehicle Standards document to be implemented unless there is a compelling local reason not to.</p> <p>This policy must be read in conjunction with the Department for Transport (“DfT”) Statutory Taxi & Private Hire Vehicle Standards and the Institute of Licensing (“IoL”) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.</p> <p>A link to the Statutory Taxi & private Hire Vehicle Standards, can be found here: https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards</p> <p>The Council will also have regard to the Best Practice Guidance which is issued from time to time by the DFT:</p>

	<p>https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance</p> <p>A link to the IoL Guidance can be found here:</p> <p>https://www.instituteoflicensing.org/news/institute-of-licensing-s-guidance-on-determining-suitability-of-applicants-and-licensees-in-the-hackney-and-private-hire-trades/</p>
1.3	As this document forms part of a driver's licence conditions, the Council expects all new applicants and existing drivers, proprietors and operators to be aware of, and demonstrate commitment to, promoting these objectives and to recognise that the protection of the public is the paramount consideration of the Council in terms of taxi licensing.
1.4	To this end, the Council expects those who control the use of licensed vehicles to keep comprehensive written records of day to day fares and bookings, e.g., date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or police constable in any investigation they may need to undertake. Private hire operators have specific requirements in these regards.
1.5	<p>The Council expects the highest standards of conduct from all its licensed Hackney Carriage/Private Hire Drivers. In particular, new applicants and existing drivers should be aware that their behaviour at any time may form part of a decision as to their fitness and propriety to become or remain a licensed driver.</p> <p>Information on the fitness and propriety of licensed drivers can be found in the guidance for new applicants' section of this document.</p>
1.6	All drivers of Cannock Chase Council licensed hackney carriages and private hire vehicles ('Drivers') must hold a Hackney Carriage/Private Hire Drivers' Licence issued by Cannock Chase Council.
1.7	Private hire operators must be licensed by the Council as must the driver and the private hire vehicle. The Operator must have a Base within the Cannock Chase District and must be responsible for taking the bookings. All three licences must be issued by the same Council.
1.8	Hackney carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.
1.9	The Council has a duty to protect the public funds it administers and, to this end, may use information provided for the prevention and detection of crime and fraud. We may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g., UK National Fraud Initiative.
1.10	Before sitting as a member of the Council's Licensing & Public Protection Committee (L&PPC), Council members will need to attend a training session with officers from Legal Services and the Licensing Unit. Members will need to attend refresher training every year that they remain a member of the L&PPC.
	The Policy Consultation Process
1.11	<p>The Council consulted widely with a variety of partners and interested parties as well as the general public. This included consultation with representatives of the Cannock Chase Council's Hackney Carriage/Private Hire Liaison Group. The consultation took place between 16 June 2022 and 10 July 2022.</p> <p>The Policy was adopted by full Council, on 8 November 2023 and is available on the Council's website at: www.cannockchasedc.gov.uk</p>

	<p>The contact details for the Council's Licensing Unit are given below:</p> <p>Licensing Unit, Cannock Chase District Council, PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG Phone: 01543 462621 Email: licensingunit@cannockchasedc.gov.uk</p>
	<p>Policy Objectives</p>
1.12	<p>The Council's Policy objectives are:-</p> <p>Public Protection – ensuring that the public can travel safely and that licensed drivers, vehicle licence holders and operators are “fit and proper” persons, and that vehicles are safe.</p> <p>Improving Quality – ensuring that drivers are good, reputable drivers with up to date knowledge and training in relation to licensing matters.</p> <p>Promoting High Vehicle Standards – Ensuring that vehicles are clean and in good condition, comfortable and accessible for all passengers. Ensuring, that vehicles over six years old are subject to regular checks to ensure safety and compliance with emissions standards.</p> <p>Improving Access for All – Encouraging a good level of service for the public and supporting vital transport links for the community, enabling visitors to move quickly and safely through the Cannock Chase District.</p> <p>Improving Public Confidence – Ensuring that the travelling public feel safe through effective compliance and enforcement as well as regular test purchase exercises in respect of hackney carriage and private hire vehicles.</p> <p>Supporting the Safety and Success of the Night Time Economy – ensuring the public can return home safely, helping crowds to disperse quickly and peacefully after events, or during busy times.</p> <p>Improving Air Quality- Ensuring that vehicles which are new to licensing with the Council meet a minimum of Euro 6 Emission Standard.</p>
	<p>Relationship to the Council's Corporate Priorities</p>
1.13	<p>This Policy supports the Council's Corporate Priorities as follows:-</p> <p>(i) Promoting Prosperity – benefitting the local economy through provision of essential local transport within the District, supporting in particular the night time economy; implementing risk-based, proportionate controls; ensuring all licence holders are treated equitably; ensuring non-compliance does not lead to unfair competitive advantage;</p>

	(ii) Community Wellbeing – Promoting equality of access to services and protecting public safety, particularly those who are, or could become, vulnerable; ensuring licensed drivers are fit and proper and licensed vehicles are safe and suitable through mechanical testing and checks on driving, medical and criminal records; ensuring licence holders receive awareness training covering their obligations and contributions towards reporting modern slavery and child sexual exploitation matters; promoting improved air quality through compliance with vehicle emission standards.
	Future Changes
1.14	The Council will monitor the effectiveness of the policy in terms of promoting public safety and public confidence. The Council will also have to consider the Policy in light of any further developments in the law and changes in government policy and guidance. The Council will review this Policy as appropriate.
1.15	We will review this policy at least every 5 years and will consider an interim review should it be necessary to do so because of a change in legislation or guidance or as a result of other developments which affect the local area. The Council will consult with stakeholders at any time that it is considering substantial changes to this Policy.
	Information Sharing
1.16	<p>The Council shares information with partner organisations including Staffordshire Police, Environmental Health, Department of the Environment, Food & Rural Affairs (DEFRA), The National Anti-Fraud Network (NAFN) the County Council, DVSA and the National Fraud Initiative (NFI) in the interests of crime prevention and enforcement.</p> <p>Council officers may contact these organisations in order to ensure effective regulation of the hackney carriage and private hire licenced trade. The Police have powers to disclose information about relevant investigations even before an arrest or conviction is made.</p>
	Data Protection
1.17	<p>When an individual or an organisation provides information to the Council, this data is held in accordance with the General Data Protection Regulations 2018. Data that is provided to the Council is used for processing applications, recording details of successful applicants, and for enforcement and crime prevention purposes.</p> <p>The Council may share data with other services and with partners of the Council where required by licensing procedures and for enforcement and crime prevention purposes but data will not otherwise be passed on to any other party.</p> <p>While certain information may be disclosed under the Freedom of Information Act, personal data will be protected unless it is also official business data (e.g. a licensee whose registered business address is also his home).</p> <p>The Council's Fair Processing Notice is attached as an annex to this policy.</p>
	Equality and Diversity
1.18	<p>Through the Council's policies and service delivery the Council's main aims for equality and diversity are to:</p> <ul style="list-style-type: none"> - Eliminate unlawful discrimination - Promote equality of opportunity - Promote good relations between diverse communities. <p>A link to the Council's Equalities and Diversities Policy can be found here : https://www.cannockchasedc.gov.uk/council/about-council/equality-and-diversity</p> <p>The Council carried out an Impact Assessment of this Policy, which assessed how it affects people with protected characteristics and other equality groups.</p>

	Crime and Disorder Act 1988
1.19	<p>Under section 17 of the Crime and Disorder Act 1998 the Council is required to promote the prevention of crime and disorder within its area. This Policy will contribute to that objective.</p> <p>The Council will ensure that all licensed vehicles have the contact number of the Council's Licensing Unit clearly displayed on the rear of the front licence plate which is located at the bottom of the front nearside of the windscreen.</p> <p>The Council will also ensure that travelling passengers and the public in general have a clear mechanism for compliments, comments or complaints about drivers and vehicles to the Licensing Unit. This can be done by contacting the Licensing Unit or by visiting the Council's website.</p>

2.	General Driver Information, Expectations and Policy Requirements
2.1	<p>The statutory and practical criteria and qualifications for a private hire driver are broadly similar to those for a hackney carriage driver. The policy requirements regarding driver's licences therefore apply equally to both groups.</p> <p>Cannock Chase District Council issues dual drivers' licences, permitting the driver to drive either a Hackney Carriage or a Private Hire Vehicle.</p> <p>In order to assess the suitability of an applicant, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsafe or unsuitable people who are not fit and proper. Licence holders must ensure that they remain 'fit and proper' at all times to ensure that they retain their licence.</p>
2.2	<p>In considering an individual's criminal record, the licensing authority will consider each case on its merits, but will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.</p>
2.3	<p>The Council will normally provide drivers with three year dual hackney carriage/private hire drivers' licences. A licence may be issued for a shorter period upon driver request or at the discretion of the licensing authority dependent upon the circumstances of the case.</p> <p>Reimbursement may be offered following the surrender of a hackney carriage/private hire drivers' licence prior to the licence expiring but will not normally be offered where the said licence is revoked by the Council.</p>
2.4	<p>Drivers are expected to renew their licences in good time and will be reminded to do so by the Licensing Unit. Failure to renew licences in good time without reasonable excuse will result in the expiry of the existing licence and will require a new application to be made. No application will be prioritised because it is late.</p>
2.5	<p>Licensed drivers must be contactable at all reasonable times and the Council expects that all contact details provided, such as telephone number, home addresses and email addresses are correct and up to date. Where drivers cannot be contacted after reasonable attempts have been made by the Licensing Unit, drivers may have formal action taken against them and their Hackney Carriage/Private Hire Drivers Licence may be suspended or revoked.</p>
2.6	<p>When submitting an application for a Hackney Carriage/Private Hire Drivers Licence, applicants may be required to provide a Statutory Declaration of their conviction and cautions. Simple and conditional cautions must be declared and shall be treated as convictions for the purposes of these applications.</p>

2.7	The Council will not grant a licence application unless satisfied that driver is a “fit and proper person”. The Council will use the National Anti-Fraud Network (NAFN) register of refusals and revocations (NR3) to record those who have had their application for a hackney carriage/private hire drivers licence refused or their licence revoked. Further, any driver who’s licence has been suspended for public safety or road safety reasons, will also have their details recorded on the NR3 register. The Licensing Unit will record the reasons for any said refusal, revocation or suspension of a hackney carriage/private hire drivers licence, and upon appropriate request, we will provide those details to other licensing authorities on a confidential and data protected basis.
2.8	Where a driver has been living or working outside the UK for more than 3 months at a time that driver may be asked to provide the Licensing Unit with a Certificate of Good Conduct. Government guidance on obtaining a Certificate of Good Conduct from any overseas country can be found at: https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants A full written explanation must be provided to the Licensing Unit if no such certificate can be obtained.
2.9	Drivers are required to respond to and co-operate with all reasonable requests made by authorised officers from other areas. For avoidance of doubt, drivers should, to any licensing officer, make their badges plainly visible and provide information regarding their reason for being present upon request in order that the officer may, for example, rule out unlawful plying for hire.
2.10	Where appropriate, council licensing officers may act upon evidence which is provided to them by the police, Staffordshire County Council and other licensing authorities where reasonable expectations of drivers or vehicles have not been met or licence conditions have been compromised.
2.11	Hackney carriage/private hire drivers have a duty of care towards the passenger they convey within their licensed vehicles. The Licensing Authority considers that the number of hours worked by drivers can impact the public safety and as a result we seek to promote the Working Time Directive in respect of the reasonable hours in which drivers are expected to work. To that end, no hackney carriage/private hire driver should cause themselves to be unfit for work due to tiredness caused by working excessive hours.
2.12	Licensed drivers are expected to carry out their duties with propriety and not engage with passengers in an inappropriate manner which may give them due cause to feel ill at ease or even threatened. Drivers should act in a business-like manner and avoid asking intrusive questions. Personal contact details should not be exchanged without the express agreement of the passenger.
2.13	Drivers must turn off their engines whilst stationary. This is in order to reduce any potential pollution as well as saving money on fuel costs. Vehicle idling is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
2.14	The Council will require all applicants and existing drivers to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be used will be provided by the Council’s Licensing Unit on request.
2.15	The driver shall carry out a regular check of the vehicle before starting work. This will ensure the vehicle is roadworthy and that, as far as reasonably practicable, all lights and indicators are working correctly and tyres are in good order. Recommended oil and water levels must also be maintained and the licence plate must be properly positioned.
2.16	Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving. As licence holders, the Council expects the highest standards and existing drivers can expect any misconduct to be fully investigated and appropriate action taken in line with this breach of trust.

	Requirement for Drivers to Notify the Council's Licensing Unit
2.17	<p>All licence holders must inform the Council as soon as possible and in any event within 48 hours, if they have been questioned, cautioned, interviewed, arrested or charged in connection with:</p> <ul style="list-style-type: none"> • touching a child or young person unnecessarily or inappropriately • making offensive or inappropriate comments towards a child • misusing or attempting to misuse personal details obtained as part of a fare or booking; • sexual activity with a child or vulnerable person; • inappropriate relationship with a child or vulnerable person; • violence, coercion or intimidation of a child or vulnerable person; • human trafficking; <p>The notification shall specify the nature of the incident, the date of the incident, the date of arrest and / or questioning etc.</p>
2.18	<p>The Licensing authority maintains close links with the police in order to ensure effective and efficient information sharing protocols and procedure however, all licence holders are required to notify the Licensing Unit within 48 hours of:</p> <ul style="list-style-type: none"> • any arrest • any offence with which s/he is charged; • any pending court appearances; • all convictions; • the acceptance of a fixed penalty notice; • all endorsements for any motoring offences; • their acceptance of a speed or other awareness course; and, • all cautions, including those commonly referred to as "simple" "formal" or "police" cautions issued by the police or any other prosecuting authority. • Any Community Resolution Order imposed <p>The notification shall specify the nature of the offence, the date of the offence, the date of conviction or caution and the penalty imposed.</p>
2.19	<p>The driver shall provide the information in writing within 48 hours of accepting or receiving one of the above. For the avoidance of doubt, the date on which the offence becomes notifiable to the Council is the date on which the commission of the offence is accepted and admitted.</p>
2.20	<p>Within 24 hrs of any incident occurring, drivers must report to the Council's Licensing Unit any injury suffered by any of their passengers or any other person associated with any journey to whom the driver has a duty of care.</p>
2.21	<p>Drivers must notify the Council of any change of address within 7 days and then present their DVLA Driving Licence to the Council showing the new address details within 28 days of the change of address. Drivers have a statutory obligation to notify the DVLA of their new address.</p>
2.22	<p>Drivers must notify the Council's Licensing Unit without delay and as soon as reasonably possible, if they are admitted to hospital or suffering from any illness, injury, medication or physical deterioration which could affect their ability to drive a Hackney Carriage and/or Private Hire Vehicle or carry out their general driver duties. If in doubt, drivers should make enquiries with their own General Practitioner to determine whether such notification is appropriate. Failure to notify the Council as appropriate may result in the suspension or revocation of the hackney carriage/private hire drivers' licence.</p>
2.23	<p>It is the responsibility of the driver to ensure that the insurer(s) of their vehicle(s) are notified of any convictions or fixed penalty notices.</p>

2.24	NOTE: Failure to notify the Council of any of the above matters in good time may question the honesty of the driver irrespective of the outcome of any investigation. As a result, failure to notify the Council may result in suspension or the revocation, refusal to renew an licence or referral to the Council's Licensing & Public Protection Committee for a determination of the drivers fitness and propriety.
	Driver Training
2.25	The Council recognises that licensed drivers can be an asset in the detection and prevention of crime and the abuse or neglect of children or vulnerable adults. However we also recognise that in order to do so, they must be aware of and alert to the signs of potential abuse and know where to turn to if they suspect a child or vulnerable adult is at risk of harm or in immediate danger. To this end, all licensed driver are required to undertake an initial knowledge test prior to licensing and then appropriate training and refresher training when required.
2.26	<p>Training will be that which the Council considers reasonably necessary to promote the objectives of the Policy and may include: Equality & Disability Awareness; Safeguarding; Child Sexual Exploitation (CSE) County Lines and the prevention of terrorism as well as how to report any concerns.</p> <p>This training will help licensed drivers to:</p> <ul style="list-style-type: none"> • provide a safe and suitable service to vulnerable passengers of all ages; • recognise what makes a person vulnerable; and • understand how to respond, including how to report safeguarding concerns and where to get advice. <p>Drivers should also be aware of the following warning signs in respect of safeguarding and County Lines exploitation:</p> <ul style="list-style-type: none"> • Children and young people travelling in taxis or private hire vehicles alone; • travelling at unusual hours (during school time, early in the morning or late at night); • travelling long distances; • unfamiliar with the local area or do not have a local accent; • paying for journeys in cash or prepaid. <p>All drivers will be required to undertake this training in accordance with an implementation scheme to be determined. Failure to undertake the necessary training may lead to the suspension or revocation or refusal to renew the hackney carriage/private hire drivers' licence.</p>
2.27	In some circumstances, drivers may be required to undertake training on matters specific to their individual needs, for example: Safe driving; understanding the requirements of Council Policy; anger management; handling conflict & aggression; health & safety and customer service.
2.28	Drivers who fail to successfully complete any compulsory training may be required to undertake further training and/or have further action taken against them. These measures may include: having their hackney carriage/private hire drivers licence suspended, revoked or not renewed or be referred to the Council's Licensing & Public Protection Committee for a determination of the drivers fitness and propriety.
	Disclosure and Barring Service (DBS) Enhanced Disclosure Update Service
2.29	All applicants and licensed drivers are required to sign up to and maintain a subscription to the DBS Online Update Service. Drivers are encouraged to set up the DBS automatic renewal when first joining the update service and must remain subscribed for the duration of their licence. The Council will check the online DBS at regular intervals in order to ensure public safety. If the subscription is properly maintained and kept live with no status changes, no further action will be required by the driver.

2.30	<p>Where the DBS Update Service subscription is not maintained, a new DBS will be required and the driver's licence may be suspended until the driver renews the subscription and a new DBS Disclosure is received by the Licensing Unit.</p> <p>Hackney carriage/private hire drivers' licences may be suspended or revoked in accordance with the Penalty Matrix given at Annex E for persistent failure to maintain their DBS Subscription.</p> <p>Drivers are reminded of the need to promptly notify the Council of convictions, cautions etc. in accordance with Council Policy.</p>
DVLA Driving Licences	
2.31	<p>A Driver and Vehicle Licensing Agency (DVLA) Driving Licence must be valid and in good condition. It must be legible and bear the driver's current home address.</p>
2.32	<p>Drivers may be required to provide their DVLA Photocard Driving Licence for scrutiny by both the Licensing Unit and by any outside agency employed for that purpose.</p> <p>Drivers may also be required to sign an agreement mandate which will allow the Council to check their DVLA Licence status. Drivers are responsible for making sure that their DVLA Driving Licence is valid and up to date.</p> <p>Drivers will also be required to show or share their DVLA Driving Licence information with the Council's Licensing Unit upon request. This can be done in person at the Civic Centre or by means of a DVLA share code provided to the Licensing Unit. Drivers who do not comply with this reasonable request may have formal action taken against them.</p>
2.33	<p>Any driver who permits their DVLA Photocard Driving Licence to expire may have their Hackney Carriage/Private Hire Drivers' Licence suspended if they have failed to comply with a licence condition requiring them to renew their DVLA Photocard.</p>
2.34	<p>Any driver who, at any time, has 9 or more "live" points upon their DVLA Driving Licence or has served a driving ban or has been convicted of a driving offence such as driving without due care and attention may be required to undertake a driving assessment with the Staffordshire County Council's Safer Roads Partnership.</p> <p>This assessment must be undertaken at the driver's own expense but the initial process and contact with service provider will be facilitated by the Council's Licensing Unit.</p> <p>If concerns are raised by the driving assessor about the proficiency of the driver during the driving assessment, the Council may require additional driver training or further assessments to be carried out.</p> <p>The driver may have their Hackney Carriage/Private Hire Drivers' Licence suspended or revoked if their driving is deemed dangerous.</p>
2.35	<p>If a driver continues to have DVLA penalty points imposed upon their licence after their driving has been assessed by the County Council, that driver may be referred to the Council's Licensing & Public Protection Committee so that their fitness and propriety can be assessed.</p> <p>The expectation will be that drivers who persistently have penalty points imposed upon their DVLA Driving Licence may have their Hackney Carriage/Private Hire Drivers' Licence revoked.</p>
2.36	<p>Any driver who has 12 penalty points or more upon their DVLA driving licence may be referred to the Council's Licensing & Public Protection Committee. The Committee will then make a determination as to whether the driver remains a fit and proper person to hold a hackney carriage/private hire drivers' licence. This determination is separate from any determination of financial hardship which may be made by the courts.</p>

Assessment by the Council's Medical Advisor	
2.37	Drivers shall submit to a medical examination upon making first application for a Hackney Carriage/Private Hire Drivers' Licence and at such intervals thereafter as determined by any of the Council's medical advisor(s).
2.38	Notwithstanding the determination of the Council's medical advisor, Council Policy requires that in no case shall the interval between medical assessments be longer than 5 years up to the age of 45, every 3 years between ages of 45 and 60 and then annually thereafter. The Council may also require a licensed driver to undertake a medical assessment at their expense where it has reasonable cause to do so. The age differentials outlined within council's medical assessment policy are based on risk and the need to ensure public safety.
2.39	Where the Council has concerns regarding the use of drugs by an existing hackney carriage/private hire driver, the driver may be required to undertake a drugs test. The test will be arranged and paid for by the Council. Where the driver tests positive for drugs, the results will be considered by a qualified medical examiner nominated by the Council. The medical examiner will provide their opinion on the driver's fitness to remain a hackney carriage and private hire drivers licence assessed against the DVLA Group 2 medical standard.
2.40	Further testing or examination may be required if recommended by the medical examiner. The driver may then be referred to the Licensing and Public Protection Committee for determination. Each case will be judged on its own individual merits.
2.41	Drivers who wish to claim a medical dispensation to the Council's Dress Code or medical exemption from carrying Assistance Dogs are required to claim such an exemption through the Council's medical advisor during the specialist DVLA Group 2 medical assessment procedure.
Whilst Driving a Licensed Private Hire Vehicle	
2.42	It is an offence to ply for hire with a Private Hire Vehicle. To do so may negate insurance cover. Every passenger journey must be pre-booked through, and recorded by a person separately licensed by the District Council as a Private Hire Operator.
2.43	For the avoidance of doubt; if there is no prior booking, there can be no 'ride' for the passenger. A booking cannot be taken by the driver at the point of hiring.
2.44	Only carry up to the maximum permitted number of passengers as specified by the Private Hire Vehicle Licence and Plate.
2.45	Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:- <ul style="list-style-type: none"> • Permit the PHV to stand or park in a manner which might suggest that the driver is plying for hire; • Solicit on a road or other public place any person to hire or to be carried for hire and reward in his/her PHV (or any PHV under his/her control or responsibility); or • Cause or procure any other person to solicit or procure on a road or other public place any person to hire or to be carried for hire and reward in any PHV under his/her control or responsibility.
Whilst Driving a Licensed Hackney Carriage Vehicle	
2.46	The taximeter shall be activated in accordance with current legal requirements.
2.47	Ensure that the Table of Fares can be clearly seen by passengers.
2.48	Obey the Rules of the Rank.
2.49	Fulfill bookings punctually and use the shortest available routes, unless directed otherwise by the hirer.
2.50	Only carry up to the maximum permitted number of passengers as specified by the Hackney Carriage Vehicle Licence and Plate.

2.51	Whilst driving or in charge of a Hackney carriage Vehicle, the driver shall not:- <ul style="list-style-type: none"> • Tout for business or use others to do so. • Tamper, or allow anyone else to tamper with the taximeter or its fittings or any seal and only demand the authorised fare, giving a receipt if requested.
------	--

3	New Applicants For Hackney Carriage/Private Hire Drivers' Licences
3.1	<p>Requirements for all new applicants prior to first licensing on Initial application</p> <p>A valid application consists of the applicant meeting all of the following requirements:</p> <ul style="list-style-type: none"> • The submission of a completed and signed application form (including all relevant declarations) • The provision of 2 recent colour passport standard photographs that are of a good likeness of the applicant • The submission of a valid DVLA driving photo-card and show or share their DVLA Driving Licence information. This can be done in person at the time of submission of the application or by means of a share code provided to the Licensing Unit. • A completed Enhanced DBS disclosure • A certificate of Good Conduct (if applicable) • Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work in the UK. • A DVLA Group 2 Medical Certificate • Completion & passing the driving standards assessment • Payment of the application fee • The provision of any other documentation as required by the Licensing Authority to assist the processing of the application. <p>Important note: All convictions, cautions, fixed penalty notices and warnings etc, must be declared to the Licensing Unit on the application form. For the avoidance of doubt, offences committed by an applicant for a taxi drivers' licence, cannot be considered "spent" for the purposes of the Rehabilitation of Offenders Act 1974.</p> <p>Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) may result in a licence being refused, or if already granted, revoked and may result in prosecution.</p>
3.2	<p>Applicants are expected to complete the application process expediently and normally within 3 months of the initial application being submitted. Where applications are withdrawn and a refund is required, it is important that applicants are able to provide a receipt for the monies originally paid to the Council. Any monies which are subsequently refunded will normally be paid into a nominated bank account.</p>
3.3	<p>The Licensing Authority will in all cases verify an applicant's identity and require a criminal record check (DBS) to be undertaken. Where the check reveals that the applicant has a record of convictions, cautions and warnings the Licensing Authority will consider:</p> <ul style="list-style-type: none"> • The nature and seriousness of offence • When the offence was committed • The age of the applicant when the offence was committed • Any other factors which might be relevant

3.4	Within this policy, a Caution will be regarded in exactly the same way as a conviction. This is because a caution can only be imposed following an admission of guilt.
	In considering an individual's criminal record, the licensing authority will consider each case on its merits, but will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.
3.5	Where an applicant is or has previously been licensed with another authority, the Council's Licensing Unit will seek to access to those licence records. Where agreement to access the records cannot be reached, then the application may not be processed.
3.6	A licence to drive a hackney carriage or private hire vehicle cannot be granted to a person who is under 18 years of age. In addition, a licence cannot be granted to anyone over 18 who does not hold a full UK Driving Licence.
3.7	Those who hold an European Economic Area (EEA) member state driving licence should note that as a result of the UK leaving the EU, the driving licence requirement may now change. The Council will ensure that it complies with any requirement imposed upon us by UK Government.
	Disclosure and Barring Service (DBS) Enhanced Disclosure
3.8	An Enhanced Disclosure from the Disclosure and Barring Service (DBS) is required upon initial application. This disclosure will include information relevant to applicants being barred from working with children or adults.
3.9	New applicants are required to subscribe to the DBS Online Update Service. Drivers are encouraged to set up the DBS automatic renewal when first joining the update service and must remain subscribed for the duration of their licence. The Council will check the online DBS at regular intervals (or at any time where deemed necessary in order to ensure public safety). If there are no changes recorded on the DBS Update Service then a full DBS check will not be required on renewal.
3.10	Photographs provided with new applications must meet the criteria required by the Passport Office in respect of the background, colour, quality and size. It is recommended that photographs should be obtained from photograph machines or photographic retailers.
	Assessment of Fitness and Propriety
3.11	There is no legal definition of "fit and proper". The central consideration for the fit and proper test is the protection of the public and it is a requirement that no licence should be granted or renewed unless the Council is satisfied that the applicant is a fit and proper person.
3.12	In assessing the fitness and propriety of an applicant or licence holder, the Council will take into account several factors, including: <ul style="list-style-type: none"> • Right to work in the UK (for the full duration of the licence). • Criminal record (both current and spent convictions). • Mental and physical fitness. • Conduct, attitude and behaviour • Driving record and experience. • Sobriety. • Local knowledge test and ability to communicate in English.
3.13	In order to assess the suitability of an applicant, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by people who are not fit and proper.
3.14	The onus is on an applicant to satisfy the Council that they are 'fit and proper' at the time of application. Simply being free from convictions is not enough. Licence holders must ensure that they remain 'fit and proper' at all times to ensure that they retain their licence. Failure to do so may result in sanctions and the likelihood that the licence will be

	<p>reviewed and may be subsequently suspended or revoked.</p> <p>In making the assessment of a drivers fitness and propriety, the Council will pose the following question.</p> <p><i>“Without prejudice and based on the information available, would you allow a person for whom you care, regardless of their condition to travel alone in a vehicle driven by this person at any time of day or night?”</i></p> <p>If, on the balance of probabilities, the answer to the question is “no” the individual should not be given the benefit of the doubt and should not hold a licence.</p>
3.15	<p>Where a new applicant has been living or working outside the UK and cannot provide evidence that they have lived in the UK for the previous 5 years they may be asked to provide a Certificate of Good Conduct. Government guidance on obtaining a Certificate of Good Conduct from any overseas country can be found at: https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants</p>
3.16	<p>The determination of applications will be made by licensing officers unless they cannot be satisfied as to the applicant’s fitness and propriety. Where an applicant’s fitness and propriety is in question, the application will be referred to the Council’s Licensing & Public Protection Committee for their determination.</p>
	<p>Knowledge Test</p>
3.17	<p>The knowledge test consists of a series of multiple choice questions set out on a selection of test papers or a computer programme. The test will be undertaken at the Civic Centre in Cannock. Applicants will be required to attend a training session held immediately before the knowledge test takes place. During the training session, applicants will be prepared for the knowledge test by licensing officers. The training may include such matters as hackney and private hire legislation, the Council’s taxi licensing policy, topographical and geographical knowledge of the Cannock Chase District and the Highway Code. Wider matters of importance to the taxi trade such as equality & disability awareness, Safeguarding, Child Sexual Exploitation (CSE), County Lines exploitation and the prevention of terrorism will also be included along with health and safety, customer care and handling conflict and aggression.</p>
3.18	<p>Where an applicant fails 4 knowledge tests then the application will be rejected and a period of at least 12 months must elapse before another application can be made.</p>
	<p>Assessment by the Council’s Medical Advisor</p>
3.19	<p>New applicants shall submit to a medical examination for a Hackney Carriage/Private Hire Drivers’ Licence and at such intervals thereafter as determined by the Council’s medical advisor(s).</p>
3.20	<p>Notwithstanding the determination of the Council’s medical advisor, Council Policy requires that in no case shall the interval between medical assessments be longer than 5 years up to the age of 45, every 3 years between ages of 45 and 60 and then annually thereafter. The Council may also require a licensed driver to undertake a medical assessment at their expense where it has reasonable cause to do so. The age differentials outlined within council’s medical assessment policy are based on risk and the need to ensure public safety.</p>
3.21	<p>As part of the application process, new applicants are required to undertake a simple drug test. Where the applicant fails the drug test and or the Council has concerns regarding the use of drugs by an applicant, they may be required to undertake a further drugs test at their own expense. This will be arranged by the Council.</p> <p>Where an applicant tests positive for drugs, the results will be considered by a qualified</p>

	medical examiner nominated by the Council. The medical examiner will provide their opinion on the driver's fitness and propriety in respect of DVLA Group 2 medical standard.
--	---

4	General Vehicle Information, Expectations and Requirements
4.1	<p>Note: The Policy changes on vehicle emissions and the licensing of Electric and Hybrid vehicles may be subject to future review and change because of unforeseen circumstances which may affect the vehicle market.</p> <p>All Electric and Hybrid saloon type vehicles which are presented as new to licensing, will be no more than 7 years old.</p> <p>All Electric and Hybrid wheelchair accessible type vehicles which are presented as new to licensing, will be no more than 10 years old .</p> <p>With effect from 1 April 2024, the Council will stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas (LPG) internal combustion engines (ICE). This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.</p> <p>From 1 April 2025, until 31 March 2026, the Council will accept renewal applications for the last time in connection with vehicles which are of the Euro 5 emissions standard and are powered solely powered by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.</p> <p>From 1 April 2026, the Council will stop the new to licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of ICE vehicles already licensed by the Council. Further, it will not affect the new to licensing or renewal licensing of electric vehicles, hybrid vehicles or those using hydrogen fuel.</p> <p>On 31 March 2030, the Council will stop the licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.</p>
4.2	<p>Vehicles (which includes trailers), must be licensed by the Council and must be mechanically fit and suitable for purpose. Prior to licensing, vehicles must pass a comprehensive inspection and supplementary test approved by the Council's Licensing Unit. A fee will be payable in relation to each vehicle test or re-test. Vehicle licences will normally run for a twelve month period from date of issue.</p> <p>Trailers cannot be inspected separately from a vehicle. There is no additional charge for inspecting the trailer with the vehicle.</p>
4.3	The Council will use the national inspection standards contained within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles."
4.4	Licence holders who wish to license their vehicles beyond its 6 th birthday will be required to have their vehicle inspected at least twice a year. These inspections will normally take place at 6 monthly intervals at Council's Hawks Green Depot. The cost of each test or any re-tests will need to be met by the applicant. Failure to comply with this requirements may lead to the suspension or revocation of the Proprietor's Hackney Carriage Vehicle Licence.

4.5	Date of first registration of the vehicle means the date of first registration in the UK, or the date of manufacture in the case of ex MOD vehicles etc. or vehicles first registered outside the UK. All vehicles must be right hand drive with the exception of novelty vehicles and Limousines.
4.6	Proprietors of hackney carriages and private hire operators must ensure that their vehicle are inspected on a regular basis for mechanical defects. This will help ensure that their vehicles are kept roadworthy. Proprietors and operators must also ensure that the drivers carry out a regular check to their vehicles before they start work.
4.7	No modifications which includes alterations, changes in specification, design, condition or appearance of the licensed vehicle will be permitted while a licence is in force.
4.8	No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle without prior permission of the Council.
4.9	From June 2024, part worn tyres shall not be fitted on licensed vehicles This includes any spare tyre contained within the vehicle.
4.10	<p>A spare wheel and tyre in good condition, properly inflated and suitable for the vehicle, together with sufficient tools for fitting same shall be provided unless the proprietor can comply with the following:</p> <p><i>The proprietor or operator of the vehicle shall take all reasonable steps to ensure, in the event of vehicle breakdown, that appropriate contingency arrangements are in place to enable passengers to complete their journeys safely and in good time to anywhere in the UK. Such steps may include: carrying and use of a spare wheel and tools; if vehicle is not designed to carry a spare, fitting run flat tyres all round or carrying puncture repair / inflation kit; vehicle breakdown cover which includes taking the passengers and their luggage to their intended destination anywhere in the UK; agreements with other proprietors / operators to provide assistance in emergencies etc. In any event, responsibility for ensuring the safety and welfare of passengers in such circumstances rests with the said proprietor or operator.</i></p>
4.11	The licence holder should be the Registered Keeper of the licensed vehicle and the DVLA V5 registration document should reflect this. The whole V5 document, or Part 10 of it (which is to be kept by the new keeper upon purchase), must be provided to the Licensing Unit prior to the vehicle being first licensed.
4.13	For reasons of security, the printed licence plate issued by the Council must be placed within the backing plate provided by the Council and then shall, at all times be fixed securely to the rear of the vehicle on the off side or centre of the vehicle at bumper height. The licence plate must be horizontal. The use of magnets to fix the plate to the licensed vehicle is not acceptable.
4.14	The plates shall not be affixed to any vehicle other than the one identified on the vehicle licence application form.
4.15	Planning permission may be required in order to operate a business within the Cannock Chase District. Where the general public have access to any Taxi Base, then the Council may require sight of adequate public liability insurance.
4.16	Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.
4.17	Loose articles such as DVD players, laptops, clipboards and newspapers etc. shall not be placed on vehicle dashboards. Such articles may become airborne and potentially dangerous in the event of a road traffic collision or under sharp braking.
	Wheelchair Accessible Vehicles (WAV's) and Rear Loading Vehicles
4.18	The Council will consider licensing wheelchair accessible vehicles where they are capable of rear, as well as side loading. The safety and comfort of the passenger must

	be of paramount importance and therefore the purchase of this type of vehicle must be agreed with the Licensing Unit prior to licensing. Vehicles of this type should be purpose built and /or specifically and professionally modified to accommodate wheelchair passengers. All vehicles must be fit out for their intended purpose.
4.19	Tail lifts fitted to wheelchair accessible vehicles are subject to maintenance and inspection under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Where appropriate, LOLER certificates must be produced at the time of the first vehicle licensing and any subsequent renewal.
4.20	Children should not be transported in pushchairs or prams placed within Wheelchair Accessible Vehicles (WAV's). To do so may be considered negligent and a breach of the duty of care that drivers must afford passengers. Drivers must take reasonable steps to ensure passenger safety at all times.
	CCTV in Licensed Vehicles
4.21	Cannock Chase District Council encourages the use of CCTV systems within licensed vehicles as the installation can help to deter and prevent crime and can provide evidence to support investigation and possible prosecution. This approach benefits both passengers and drivers, who can equally be the subjects of assaults, abuse or fraud.
4.22	Although the Council is supportive of the installation of CCTV, no vehicle shall be fitted with a CCTV system without prior notification and agreement with the Council's Licensing Unit and notification to the proprietors Insurance company.
4.23	CCTV systems which are installed into licensed vehicles must be compliant with the General Data Protection Regulations 2018 (GDPR). The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using of recorded images.
4.24	Access to the camera(s) must be restricted and the information contained in the hard drive must be secured by lock and key, password protected and encrypted.
4.25	If available, audio recording should only be activated when there is a specific threat, in the same way that a panic button could be used. The time period that audio recording is taking place should be as short as possible.
4.26	<p>Dashcams are not suitable for the purpose of capturing images from <u>within</u> a licensed vehicle and are not to be classed as a CCTV system.</p> <p>Proprietors must ensure that the any dashcams fitted to vehicles only records the road outside of the vehicle. Any dashcam which records the inside of the vehicle or shows the road outside on a screen will need to be removed from the licensed vehicle.</p> <p>A link to the Councils Policy on CCTV and Dashcams can be found here: www.cannockchasedc.gov.uk</p>
	Transfer of Licensed Vehicles
4.27	<p>There are 2 types of transfer which might take place in accordance with Council policy.</p> <ol style="list-style-type: none"> 1. Where a vehicle which is already licensed to one licence holder is sold and/or transferred to another licence holder in accordance with Section 49 of the Local Government (Misc. Provisions) Act 1976. Note that the Proprietors vehicle licence must be valid at the time of transfer. 2. A vehicle licence can be transferred from an existing licensed vehicle where for instance, it has been sold, to a new licensed vehicle but only where the new vehicle fulfils the Council's criteria for licensing. This transfer process will involve a whole month pro rata reimbursement of the licence fee for the remaining period of the licence. No vehicle licence fees will be reimbursed for any other reason.

Licensing of Category S and N written off vehicles	
4.28	<p>The Council will permit the licensing of Category S and N vehicles where it is safe to do so. All such vehicles must comply with all other aspects of the Council's Policy. This includes any new to licensing age restriction and road traffic collision requirements on notification and inspection. A category S or N vehicle may only be presented for licensing with written evidence that the vehicle is safe. Such evidence must include a written damage and repair engineers report from the insurance company or its agent and must be provided to the Licensing Unit before the vehicle is presented for inspection and test.</p> <p>The Proprietor or prospective Proprietor of the vehicle, must also supply the Hawks Green Depot Workshop Supervisor, with a copy of the full collision damage and repair report which highlights the damaged and repaired area(s).</p>
Requirement for Proprietors to Notify the Council's Licensing Unit	
4.29	<p>Without prejudice to the provisions of Section 170 of the Road Traffic Act 1988 the Licence Holder shall report to the Licensing Unit as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the licensed vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.</p> <p>Upon such notification to the Council, the licence holder may be required to provide specific information about the incident and the circumstances surrounding it. Proprietors or operators must ensure that drivers report any collision to them so that the Proprietor can act appropriately in reporting the incident to the Licensing Unit.</p> <p>Failure to notify the Licensing Unit as required above may result in the suspension or revocation of the proprietor's vehicle's licence. Vehicles which have been in a collision may be required to undertake a safety inspection of the vehicle at the Council's Hawks Green Depot. The licence holder will be required to pay the necessary inspection fee.</p>
4.30	<p>Vehicle licences must be renewed in good time and must not be allowed to expire. Where they are allowed to expire, any subsequent application for licensing of the same vehicle may be rejected on the basis that the vehicle falls outside the Council's policy on the age of vehicles at first licensing.</p>
4.31	<p>Proprietors of licensed vehicles that are under suspension following a collision and are due for renewal, will be given reasonable time to renew the licence on the proviso that a completed renewal application form is received prior to the vehicle expiry.</p>

5 Hackney Carriage Proprietor Vehicle Licences	
5.1	<p>A completed renewal application form for a vehicle licence must be received by the Licensing Unit before the expiry of the current licence. Where the licence has expired the application will be treated as a new application and Council policy relating to the licensing of new vehicles may apply.</p>
5.2	<p>Applicants should submit the following when making an application:</p> <ul style="list-style-type: none"> • The completed application form and fee. • Vehicle registration certificate • Insurance certificate – Insurance must cover use of the vehicle for hire and reward • An MOT certificate once the vehicle is 12 months old • Compliance test pass certificate from the Council's nominated testing station (such a Certificate should normally be dated no more than 28 days old at the time that the application is made to the Licensing Authority) <p>Attention should be given to policy requirements on the vehicle specification, age restrictions and the supplementary testing manual before purchasing a vehicle.</p>

5.3	The Council is obliged to have regard to where any vehicle licensed by them will primarily be used. The Council may, in the proper exercise of its statutory discretion conferred upon them by section 37 of the Town Police Clauses Act 1847, refuse to grant or renew a Hackney Carriage Vehicle Licence where that vehicle is not intended to be used within the Cannock Chase area or is used predominantly in another area.
	Fitness & Propriety of Hackney Carriage Proprietors'
5.4	Where an existing or prospective Proprietor is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure through the Disclosure and Barring Service (DBS) then a Basic Disclosure must be obtained from the Disclosure & Barring Service prior to any licence being issued and every year thereafter. Online applications can be made at: https://www.gov.uk/government/organisations/disclosure-and-barring-service
5.5	The Proprietor shall keep comprehensive written records of day to day fares and bookings, e.g. date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or police constable in any investigation they may need to undertake.
5.6	The proprietor shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is controlled by them. The complaints procedure must also record the outcome of any investigation. The said complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.
	Advertising, Logos and Livery on Hackney Carriage Vehicles
5.7	An advertising policy will be applied as follows:- (i) Both the promotion of the hackney carriage company and the sponsorship advertising of products and services will be allowed, provided that advertisements conform to current UK Code of Non broadcast Advertising, Sales Promotion and Direct Marketing. (ii) For the avoidance of doubt, advertisements shall not offend public decency or cause offence on the grounds of race, sex, sexual orientation or disability. (iii) There shall be no advertisement of gambling, fast food, tobacco or alcohol products or anything of a sexual nature. (iv) Advertisements shall not be permitted on any glass. (v) No advertising, logo emblem or similar shall be capable of illumination and holograms will not be permitted. (vi) Any modification to the manufactured colour of a licensed vehicle, including the addition of company livery, must be agreed with the Council prior to any work being undertaken by the Proprietor. The V5 must then be amended where necessary to reflect any changes made.
	Hackney Carriage Fares
5.11	An approved, sealed, calibrated, and illuminated taximeter must be used to calculate and display the maximum fare for all journeys inside the Cannock Chase District in all hackney carriages. It must not be operated until the passenger is seated in the vehicle and the driver is seated and ready to move the vehicle to commence the journey. Once the journey is concluded by reaching the destination requested by the customer or passenger the fare displayed on the taximeter should be stated to the passenger and they or the customer should be requested to pay no more than the fare displayed. The Council will support licensed drivers who have reasonable cause to request payment of the appropriate fare prior to the journey taking place.

5.12	The Council's is the only tariff permitted on the meter. It must state the maximum fare that can be charged by drivers for journeys within the District. Lesser fares can be negotiated. The hirer may also agree a fare for a journey which ends outside the district.
5.13	A table of fares will be provided to each Hackney Carriage Proprietor, which must then be clearly displayed in each vehicle so that it is visible to all hirers.
5.14	Drivers must, if requested by the passenger, provide written receipts for fares paid.

6	Private Hire Vehicle Licences
6.1	A completed renewal application form for a vehicle licence must be received by the Licensing Unit before the expiry of the current licence. Where the licence has expired the application will be treated as a new application and Council policy relating to the licensing of new vehicles may apply.
6.2	Applicants should submit the following when making an application: <ul style="list-style-type: none"> • The completed application form and appropriate fee • Vehicle registration certificate • Insurance certificate – Insurance must cover use of the vehicle for private hire • An MOT certificate once the vehicle is 12 months old • Compliance test pass certificate from the Council's nominated testing station (such a Certificate should normally be dated no more than 28 days old at the time that the application is made to the Licensing Authority) <p>Attention should be given to policy requirements on the vehicle specification, age restrictions and the supplementary testing manual before purchasing a vehicle.</p>
6.3	Some private hire vehicles which are exclusively to be employed for Executive use, may be exempt from the requirement to display licence plates under Section 75(3) of the LGMPA 1976. In consequence, the Licensing Authority will consider requests from certain operators for their businesses or part thereof to be exempted from specified conditions relating to signage and plating requirements.
6.4	In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate. The request must be accompanied by suitable and sufficient evidence to support the request.
6.5	Generally, exemptions will only be granted to prestigious models of vehicle with above average appearance and levels of equipment. Each application will be considered on its merits but as a guide, such vehicles should meet the following criteria: <ul style="list-style-type: none"> • A vehicle which is above the standard model and towards the top of the range as offered by the vehicle manufacturer • Climate control, all electric windows, and central anti-intrusion locking • Front and rear headrests and above average legroom • Pristine interior and external condition • New and/or low mileage
6.6	Where an exemption is granted, the Licensing Authority reserves the right to impose additional conditions or requirements, which may stipulate an alternative way of achieving the normal policy requirement, or a close alternative.
6.7	All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice where the Licensing Authority can no longer be satisfied that the exemption is appropriate or no longer suitable.
6.8	Licensed private hire vehicles which carry a Section 75(3) exemption must not be used for any home to school transport. It is important that parents, carers and schools are able to immediately ascertain that any vehicle carrying children or vulnerable passengers is a properly licensed vehicle.

6.9	Exemption from the requirement to display private hire licence plates and livery will not be granted to novelty vehicles such as old fire engines etc.
	Novelty Vehicles
6.10	Any type of vehicle may be considered for licensing by the Council however the applicant must demonstrate to the Council that the overarching principle of public safety will not be compromised if the vehicle is licensed. Any additional testing and inspection costs must be funded by the applicant.

7.	Private Hire Operators' Licences
7.1	As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately
7.2	Where an existing or prospective Operator is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure with the Disclosure and Barring Service (DBS) then a Basic Disclosure must be obtained from the Disclosure & Barring Service prior to any licence being issued and annually thereafter.
7.3	A private hire vehicle operator licence may be applied for by a company or partnership; the licensing authority will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. In consequence, private hire vehicle operators must advise the licensing authority of any change in directors or partners.
7.4	Private hire operators licences cannot be transferred from one person to another person or from one premises to another premises.
7.5	The Operator must ensure that all staff, whether directly employed by the company or not, are properly trained and suitable persons to undertake work which requires an element of propriety and confidentiality and should consider obtaining or have sight of a Basic Disclosure for all of their staff-
7.6	Operators must ensure that they have a written policy on employing ex-offenders and that all staff are suitable persons to undertake work which requires dealing with sensitive personal information and the maintaining of customer confidentiality. Operators should consider obtaining a Basic Disclosure for all of their support staff. Online applications can be made at: https://www.gov.uk/government/organisations/disclosure-and-barring-service
7.7	Operators must keep a register of bookings and dispatch staff and are required to evidence that they have had sight of a Basic DBS check on all individuals listed on that register .
7.8	Operators must provide a policy on the employment of ex-offenders and ensure that Basic DBS checks are conducted on any individual added to the register and that the result of the Basic DBS check is compatible with their own policy on employing ex-offenders.
7.9	The Operator must ensure that sensitive personal information, such as the holiday plans or movements of customers, will not be used or passed on for criminal or unacceptable purposes. The Operator must comply with the data protection legislation and the General Data Protection Regulations 2018.
7.10	The Operator must ensure that vehicles that are booked for private hire work are safe, mechanically sound and maintained in a good and clean condition.

7.11	The Operator must ensure that vehicles are properly insured for private hire work. This includes ensuring so far as possible, that private hire vehicles do not ply for hire.
7.12	Operators must ensure that all staff, whether directly employed or not, are suitably trained in order to understand how best to assist passengers and to comply with the duties to assist wheelchair passengers as per the Equalities Act 2010.
7.13	Operators must ensure that all staff, themselves included, whether directly employed or not, are suitably trained regarding how to recognise and report child sexual exploitation.
7.14	Private hire operators licences will normally be valid for five years from the date of issue though the Council reserves the right to issue such licences for shorter periods where it is deemed appropriate to do so.
7.15	<p>Private hire operators will be issued with licences to operate vehicles within the following bandings:</p> <ul style="list-style-type: none"> • one to five vehicles; • six to fifteen vehicles; or, • over fifteen vehicles. • <p>This will allow for greater flexibility in adding vehicles to the Operators' Licence at any time.</p> <p>Whole year reimbursement of private hire operator fees may be considered where an operator stops trading or operating for business reasons. Fees will not be reimbursed where an operator's licence is revoked.</p>
7.16	Operator licences may be suspended or revoked in cases where the operator's conduct falls short of the conduct expected of a fit and proper person. This would include cases where operators were convicted of offences relating to sexual exploitation, dishonesty and violence. It would also include breaches of licensing conditions and failure to keep accurate records.

ANNEX 1

Hackney Carriage / Private Hire Driver Licence Conditions	
1	The driver shall behave in a civil and orderly manner at all times and take all reasonable precautions to ensure the safety of passengers and other road users. For the avoidance of doubt this includes ensuring the proper restraint of wheelchair passengers; good standards of driving; being polite, courteous, as well as being helpful in assisting passengers to enter and alight from the vehicle and stowing/carrying luggage.
2	The driver shall not use or hold a hand held mobile phone, or eat or drink in the vehicle whilst it is moving.
3	The driver shall not, except with the express consent of the hirer, convey any other person other than the hirer in the vehicle.
4	The driver shall not allow or permit his/her vehicle to carry a greater number of passengers than the number prescribed on the licence.
5	The driver shall not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for communicating with the operator.
6	The driver shall not cause or permit the noise emitted by any radio equipment or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside of the vehicle.
7	The driver of the vehicle who has agreed or been hired to attend with a vehicle at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend with a vehicle at such appointed time and place.
8	The driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid specifying the driver's name and driver's hackney carriage/private hire drivers' licence number.
9	The driver shall ensure that the vehicle used whilst on duty is kept clean and tidy at all times.
10	The driver shall afford all reasonable assistance with passenger's luggage.
11	The driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
12	Drivers shall not smoke in any vehicle and shall not permit passengers to smoke within any vehicle under their control.
13	Upon arrival at their pick up point, licensed drivers must strike a balance between ensuring that customers are given a reasonable period time to acknowledge their arrival and get into the waiting vehicle, and dealing with the realisation that the passenger will not appear. Drivers will need to be able to justify their reasons if a complaint is made. Drivers shall not sound the vehicle's horn in order to attract the attention of customers. E.g. where they are waiting outside a domestic premises or public house etc.
14	Assistance Dogs (Guide Dogs and Hearing Dogs) must be carried free of charge.
15	The Council shall issue a badge to all drivers detailing their name and driver number. The driver shall at all times when acting in accordance with their Hackney Carriage/Private Hire Drivers' Licence, wear the badge in such a position and manner so that it is plainly and distinctly visible. If any driver contravenes this provision they shall be guilty of an offence.
16	The licence badge remains the property of the Council at all times and upon revocation, suspension, expiry or surrender of the licence, the driver shall forthwith return the badge to the Council.

17	The Driver shall deposit his/her Hackney Carriage/Private Hire Drivers' Licence with the Private Hire Operator or Hackney Carriage Proprietor for which the vehicles is being used during the time it is being used for that person's business.
18	The driver shall not leave a vehicle under his/her control or responsibility unattended in any street or public place; this includes taxi ranks.
19	The driver shall immediately after the termination of any hiring or as soon as practicable thereafter, search the vehicle for any property which may have been left therein.
20	The driver shall, if any property is accidentally left therein by any person who may have been conveyed in that vehicle and be found by or handed to him/her carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to a police station in the district in order to receive instructions from the Police regarding its custody. https://www.staffordshire.police.uk/ro/report/lp/lost-or-found-property/?rid=558
21	All Hackney Carriage/Private Hire Drivers' Licence holders must be subscribed to the Disclosure and Barring Service Online Update Service and must give consent for the Council to monitor their DBS status.
22	NOTE: These conditions to be read in conjunction with the Local Government Miscellaneous Provisions) Act 1976, Part II. Any person aggrieved by any conditions attached to the grant of a drivers licence may appeal to a Magistrates' Court. The Council reserves the right to vary these Conditions from time to time.

ANNEX 2

<u>Hackney Carriage Proprietors' Licence Conditions</u>	
1	The Hackney Carriage shall be fitted with a custom lined roof sign bearing only the word 'Taxi'. A purpose built taxi with a built in illuminated taxi roof sign satisfies the Council's requirements so long as it is satisfactorily maintained.
2	During the hours of darkness the taxi sign shall be illuminated only when the carriage is standing or plying for hire within the District and shall be extinguished as soon as the vehicle is hired. For the purpose of this condition 'the hours of darkness' shall be the hours of lighting up time.
3	<p>Before the vehicle is used as a Hackney Carriage such insurance or securities as required by Part VI of the Road Traffic Act 1988 shall be obtained in respect of the vehicle and the Certificate in respect of the policy of insurance or security shall be produced to the Council. A valid certificate of insurance, or a true copy of it, shall be kept in the vehicle at all times and once expired it must be held in the possession of the Proprietor for 12 months after its expiry date.</p> <p>NOTE: Although only the Certificate of Insurance will normally need to be provided prior to the licensing of a vehicle, the Council reserves the right to require all insurance documents to be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.</p>
4	<p>Every Proprietor of a Hackney Carriage shall provide the carriage with a calendar controlled taxi meter so constructed, attached and maintained as to comply with the following requirements, that is to say:</p> <p>(a) The taxi meter shall be of an approved calendar controlled type and design, capable of being operated so as to cause the word 'hired' to appear on the face of the taxi meter.</p> <p>(b) Such taxi meter shall be capable of being rendered inoperable so that no fare is recorded on the face of the taxi meter.</p> <p>(c) When the taxi meter is being operated, there shall be recorded on its face in clearly legible figures a fare not exceeding the rate or fare which the Proprietor or Driver is entitled to demand and take for hire of the carriage in pursuance of the Bye-Laws in that behalf.</p> <p>(d) The word 'fare' shall be printed on the face of the taxi meter in plain letters so as clearly to apply to the fare recorded thereon.</p> <p>(e) The taxi meter shall be positioned in such a manner that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.</p> <p>(f) The taxi meter and all fittings thereof should be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals and other appliances.</p>

5	There shall be fixed externally to the rear of the Hackney Carriage, and any trailer, a plate issued by the Council, prominently displayed horizontally on the off-side or centre of the vehicle at bumper height. The licence plate(s) shall remain the property of the Council and shall be returned to the Council in the event of the revocation, expiry or suspension of the Licence.
6	Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
7	A copy of the current table of fares shall be exhibited inside the vehicle in clear distinguishable letters and figures in such a position that it can be conveniently seen by hirers.
8	The Proprietor shall present the vehicle(s), and any trailer(s) and taximeter affixed thereto for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require on up to three separate occasions during any period of twelve months, without prejudice to the Council's right to carry out spot checks from time to time.
9	If the Proprietor transfers his interest in the licensed vehicle to a person other than the proprietor whose name is specified in the licence, then within fourteen days after such transfer notice in writing shall be given to the Council's Licensing Unit specifying the name and address of the person to whom the vehicle has been transferred.
10	<p>The Proprietor of a hackney carriages shall ensure that the vehicle meets the standard of fitness specified within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" and shall:</p> <ul style="list-style-type: none"> (a) provide sufficient means by which any person in the vehicle may communicate with the driver; (b) cause the roof or covering to be kept watertight; (c) provide any necessary windows and a means of opening and closing not less than one window on each side; (d) cause the seats to be properly cushioned or covered; (e) cause the floor to be provided with a proper carpet, mat or other suitable covering; (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service; (g) provide means for securing luggage if the carriage is so constructed as to carry luggage; (h) provide an efficient 1 Kg fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use. Drivers are not expected to be trained in the use of either piece of equipment. (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress or egress for the driver; (j) provide rear seat belts, for vehicles registered from April, 1987. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986, these seat belts must be readily accessible to be used by the passengers in the relevant seats.
11	The licensee shall produce the licence upon request to any officer authorised by the Council or any police constable for inspection.

12	The Proprietor shall keep comprehensive written records of day to day fares and bookings, e.g. date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or police constable in any investigation they may need to undertake.
13	<p>Proprietors must ensure that nothing within the licensed vehicle exhibits any of the following:</p> <ul style="list-style-type: none"> • Offensive language. • References to drunkenness or the use of recreational drugs. • Anything racist, sexist, discriminatory or otherwise offensive. • Any advertising that does not conform to the relevant codes of advertising practice.
14	A licence may be revoked, suspended or not renewed in accordance with statutory provisions.
15	<p>NOTE: These conditions are to be read in conjunction with the appropriate provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Part II and the Cannock Chase District Council Bye-Laws relating to Hackney Carriages.</p> <p>Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court.</p> <p>The Council reserves the right to vary these conditions from time to time.</p>

ANNEX 3

	Private Hire Vehicle Conditions
1	<p>(a) All Private Hire Vehicles shall display a sign on each side of the vehicles, on the doors, giving the following information:-</p> <ul style="list-style-type: none"> (i) The name of the firm. (ii) The words "PRIVATE HIRE" (iii) The telephone number of the firm. <p>These should be in plain block letters not exceeding 50mm in height and of proportionate width.</p> <p>Where the words "PRIVATE HIRE" form part of the name of the firm, "PRIVATE HIRE" need not be repeated.</p> <ul style="list-style-type: none"> (b) Private Hire Vehicles shall display at all times in the front windscreen a plate, where supplied by the Council, showing the licence number, vehicle registration and date of expiry of the licence. (c) Private Hire vehicles may also display a card of a maximum size of 6" x 4", giving the name and telephone number of the Operator and the Council's licence number in respect of the vehicle, in the rear window. (d) No other advertisement, notice or sign shall be displayed on any private hire vehicle, with the exception of the licence plate referred to in condition 2 below. All signs must be of a design approved by the Council. No signs, advertisements or distinguishing marks may appear on the vehicle without the written consent of the Council. (e) Any modification to the manufactured colour of a licensed vehicle, including the addition of company livery, must be agreed with the Council prior to any work being undertaken by the Proprietor. The V5 must then be amended to reflect any changes made.
2	<p>When the Private Hire vehicle is used in the Cannock Chase District the plate issued by the Council bearing the licence number and identifying the vehicle as a private hire vehicle and showing the number of passengers which the vehicle is licensed to carry shall be affixed prominently on the rear bumper or rear boot panel of the vehicle except during such period that the vehicle is used for carrying passengers for hire or reward:-</p> <ul style="list-style-type: none"> (i) Whilst being used solely in connection with a wedding; or, (ii) Whilst being used solely in connection with a funeral.
3	<p>The licence plate shall remain the property of the Council and shall be returned to the Council on the sale or transfer of the licensed vehicle (or in the event of the revocation, expiry of suspension of the licence).</p>
4	<p>If the licence holder transfers his interest in the licensed vehicle to a person other than the licence holder whose name is specified in the licence, then within 14 days after such transfer notice in writing shall be given to the Council's Licensing Unit specifying the name and address of the person to whom the vehicle has been transferred.</p>
5	<p>Before using the vehicle for private hire such insurances or securities as are required under Part VI of the Road Traffic Act 1988, shall be obtained in respect of such vehicle and the certificate in respect of the policy of insurance or security shall be produced to the Council's Licensing Unit for inspection.</p>

6	Although only the Certificate of Insurance will normally need to be provided prior to the licensing of vehicle, the Council reserves the right to require all insurance documents to be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.
7	The licence holder shall present the vehicle and any taxi meter affixed thereto for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require on up to 3 separate occasions during any period of 12 months, without prejudice to the Council's right to carry out spot checks from time to time.
8	Where a taxi meter is fitted to a Private Hire Vehicle, it shall be of an approved Calendar controlled type and design.
9	Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
10	<p>The Operator of a Private Hire Vehicle shall ensure that the vehicle meets the Council's standard of fitness as specified within this policy and in particular shall:-</p> <ol style="list-style-type: none"> (a) Provide sufficient means by which any person in the vehicle may communicate with the driver; (b) Cause the roof or covering to be kept watertight; (c) Provide any necessary windows and a means of opening and closing not less than one window on each side; (d) Cause the seats to be properly cushioned or covered; (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering; (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service; (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage. (h) Provide an efficient fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use. Drivers are not expected to be trained in the use of either piece of equipment. (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress or egress for the driver; (j) Provide rear seat belts, for vehicles registered from April 1987. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986, these seat belts must be readily accessible to be used by the passengers in the relevant seats.
11	The licensee shall produce this licence upon request to any officer authorised by the Council or any Police Constable for inspection.
12	<p>Private hire vehicle licence holders must ensure that nothing within the licensed vehicle exhibits any of the following:</p> <ul style="list-style-type: none"> • Offensive language. • References to drunkenness or the use of recreational drugs. • Anything racist, sexist, discriminatory or otherwise offensive. • Any advertising that does not conform to the relevant codes of advertising practice.
13	NOTE: These conditions to be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976, Part II. Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court. The Council reserves the right to vary these Conditions from time to time.

ANNEX 4

Private Hire Operators' Licence Conditions	
1	All licensed private hire operators are required to keep a register of all staff that will take bookings or dispatch vehicles.
2	The Operator shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is operated by them. The complaints procedure must also record the outcome of any investigation. This complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.
3	<p>The Operator shall keep a record book (which may be electronic) and shall enter therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by the operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and shall produce such record on request to any Officer authorised by the Council or to any Police Constable for inspection:-</p> <ul style="list-style-type: none"> (a) the name of the driver who undertakes the booking; (b) the drivers licence number; (c) date and time booking made; (d) date and time booking made for; (e) method by which booking communicated to driver; (f) the vehicle registration number; (g) private hire vehicle licence number; (h) place passenger's journey commences; (i) place passenger's journey terminates; (j) name and address of the passenger/person hiring car; (k) the name of any individual that responded to the booking request; (l) the name of any individual that dispatched the vehicle.
4	<p>The Licensee shall keep a record of any private hire vehicle operated by him showing the following details:-</p> <ul style="list-style-type: none"> (a) owner of the vehicle; (b) make of the vehicle; (c) model of the vehicle; (d) manufacturer of the vehicle; (e) registration number of the vehicle; (f) private hire vehicle licence number; (g) the issuing authority of the licence; (h) the date of expiry of the private hire vehicle licence; <p>and the Licensee shall produce this record of private hire vehicles operated upon request to any Officer authorised by the Council or to any police constable for inspection.</p>
5	The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking shall not be permitted without the informed consent of the booker.
6	The Operator shall record particulars of any property accidentally left in a vehicle and reported to him by the driver of such vehicle before the driver delivers the property to a police station in the District.
7	The Licensee shall not assign or in any way part with the benefit of this licence.
8	The Licensee shall notify the Council of any change of circumstances relating to the business including changes of vehicles and the engaging or discharge of drivers.

9	<p>The Licensee shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that:-</p> <p>(a) every private hire vehicle, whether or not the Licensee provides the vehicle, is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) every private hire driver is in possession of a current Licence granted under the provisions of the said Act of 1976.</p>
10	<p>The Licensee shall produce the licence upon request to any Officer authorised by the Council or any police constable for inspection. It is desirable that the licence is displayed in a prominent public position within the place of business.</p>
11	<p>Records of bookings taken, and of vehicles and drivers carrying out the bookings are to be kept available for inspection for not less than a period of six months.</p>
12	<p>Private hire vehicles may be sub contracted by the operator in accordance with the requirements of section 11 of the Deregulation Act 2015 which inserted section 55(A) & (B) into The Local Government (Miscellaneous Provisions) Act 1976.</p>
13	<p>NOTE: These conditions to be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976, Part II.</p> <p>Any applicant who is aggrieved by any of these conditions has a right of appeal to a Magistrates' Court.</p> <p>The Council reserves the right to vary these Conditions from time to time.</p>

ANNEX A**GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN HACKNEY CARRIAGE AND PRIVATE HIRE TRADES.**

This guidance must be read in conjunction with the Department for Transport (“DfT”) *Statutory Taxi & Private Hire Vehicle Standards* and the Institute of Licensing (“IoL”) *Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*.

	Applicants
	All applicants for Hackney Carriage or Private Hire driver licences are required to declare any convictions or cautions, fixed penalty notices and DVLA licence endorsements - including any pending convictions and investigations. All applicants must also submit to Disclosure and Barring Service checks. The Council will deal with all information provided in strict confidence. Any information will be retained for no longer than is necessary for the purposes of processing the application for the Licence.
	Driver’s Duty to Inform the Council
	Once a Licence has been granted, drivers are required to inform the Council in writing and within 48 hours of any offence with which s/he is charged; any pending court appearances; any convictions; the acceptance of a fixed penalty notice; any endorsements for motoring offences; the acceptance of a speed or other awareness course and all cautions imposed on them since the grant of the Licence. In addition, Drivers are required to inform the Council in writing and within 48 hours of becoming aware of any pending criminal investigation that concerns them.
	Consideration of Applications
	Each and every case will be decided on its own merits and accordance with this policy.
	Public Safety is the Primary Concern
	<p>Public safety is the primary concern for the licensing of Hackney Carriage and Private Hire Drivers. The Council has a duty to ensure, so far as possible, that Drivers are “fit and proper” persons to hold licences. The Council has to consider whether Drivers are fit and proper when they apply for licences, and it also has to consider whether they remain fit and proper throughout the time that the licence remains in force.</p> <p>Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.</p>
	Drivers
	<p>As the criteria for determining whether an individual should be granted or retain a hackney carriage driver’s licence are identical to the criteria for a private hire driver’s licence, the two are considered together.</p> <p>A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.</p>

	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 fit and proper person. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed before a licence will be granted).
	Crimes resulting in death
	Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
	Exploitation
	Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
	Offences involving violence
	Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
	Possession of a weapon
	Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
	Sex and indecency offences
	Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.
	Dishonesty
	Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
	Drugs
	Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
	Discrimination
	Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

	<p>Motoring convictions</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. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a fit and proper person to be granted or retain a licence.</p>
	<p>Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving</p> <p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Where a new applicant has a single fixed penalty notice for using a hand-held mobile telephone or a hand held device whilst driving and has 7 penalty points or less imposed on their DVLA Driving Licence, a licence may be granted along with a written warning as to the drivers future behaviour.</p> <p>Where a new applicant has a court conviction for using a hand-held mobile telephone or a hand held device whilst driving, a licence will not be granted until at least 3 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>
	<p>Other motoring offences</p> <p>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).</p> <p>Where a new applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>Existing drivers who make application to renew their licence and have made the Council properly aware that they have 9 points or more on their driving licence, may be required to undertake driving assessment and may have their application referred to the Council's Licensing & Public Protection Committee.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
	<p>Hackney carriage and private hire offences</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 7 years have elapsed since the completion of any sentence imposed.</p>

	Vehicle use offences
	Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
	Private Hire Operators
	<p>A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.</p> <p>As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person.</p> <p>Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.</p> <p>As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.</p>
	Vehicle proprietors
	<p>Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.</p> <p>Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to be granted or retain a vehicle licence.</p> <p>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>
	Totting Up Disqualifications
	Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between 12 months and 2 years has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up. Where an existing licence holder is disqualified from driving as a result of a totting up procedure, the licence will normally be revoked.
	Other driving disqualifications
	Licensed drivers who are banned from driving by the Courts for 55 days or less, will not have their licence application considered by the Council until at least 3 months have

	<p>passed since the expiry of their ban.</p> <p>Licensed drivers who are banned from driving by the Courts for 56 days or more, will not have their licence application considered until at least 6 months have passed since the expiry of their ban.</p>
	<p>Enforcement</p>
	<p>The Council's Constitution sets out who is responsible for making decisions on matters relating to Hackney Carriage and Private Hire licensing.</p> <p>The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the Licensing & Public Protection Committee. A copy of the constitution which contains the scheme of delegation is available on the Council's website or upon request.</p> <ul style="list-style-type: none"> • How relevant the offence(s) are to the licence being applied for • How serious the offence(s) were • When the offence(s) were committed • The date of conviction • Circumstances of the individual concerned • Sentence imposed by the court • The applicant's age at the time of conviction. • Whether they form part of a pattern of offending • Any other character check considered reasonable (e.g. personal references) • Any other factors that might be relevant <p>In order to ensure the protection of the public the Council carries out enforcement activity to ensure compliance with primary legislation and licensing conditions.</p>
	<p>Enforcement activity is carried out in order to satisfy the policy objectives of:-</p> <ul style="list-style-type: none"> • Public Protection • Improving quality • Promoting high vehicle standards • Improving access for all • Improving public confidence • Supporting the safety and success of the night time economy
	<p>Enforcement activity includes the bringing of prosecutions in respect of statutory offences such as illegally plying for hire and refusal to take a fare without good reason. Enforcement also includes taking action in respect of breaches of licensing conditions and taking action in cases of poor conduct or following complaints from the public. Enforcement action also includes lesser sanctions such as formal written warnings.</p>
	<p>Enforcement in cases other than prosecutions, includes cases where the Council decides to suspend or revoke licences.</p> <p>Where such enforcement activity is proposed then the Council' Licensing Unit will, where required, carry out a relevant decision making process which employs three officers in order to make a determination. In practice, one officer will propose an appropriate penalty; a second officer will challenge or agree the decision as considered appropriate and a third officer in a higher management position will make the final determination. This will help ensure separation between the investigator and the decision maker.</p>
	<p>The Council may suspend or revoke vehicle licences in cases relating to unsafe vehicles or breaches of licensing conditions.</p>
	<p>Complaints, possible offences and contraventions of conditions/ policy may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.</p>

ANNEX B**SPENT CONVICTIONS**

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below –

Those 18 or over on the date of conviction

Sentence	Rehabilitation Period
Prison sentence over 48 months	Never spent
Prison sentence between 30 and 48 months	7 years from the end of the sentence (inc. time on licence)
Prison sentence between 6 and 30 months	4 years from the end of the sentence (inc. time on licence)
Prison sentence less than 6 months	2 years from the end of the sentence (inc. time on licence)
Probation order	12 months from the end of the order
Community order	12 months from the end of the order, or where the last such day is not specified, 2 years from the date of conviction
Fine	1 year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

Drivers are exempt from the provisions of The Rehabilitation of Offenders Act 1974 Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1, Paragraph 12(e).

This means that:

New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.

SPENT CONVICTIONS

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below –

Those 17 or under on the date of conviction	
Sentence	Rehabilitation Period
Custodial sentence: over 48 months	Never spent
Custodial sentence: more than 30 months up to and including 48 months	3 and a half years from the end of the complete sentence (inc. time spent on licence)
Custodial sentence: more than 6 months up to and including 30 months	2 years from the end of the complete sentence (inc. time spent on licence)
Custodial sentence: 6 months or less	1 and a half years from the end of the complete sentence (inc. time spent on licence)
Community order / Youth Rehabilitation Order	6 months from the end of the order, and where the order does not specify the last day, 2 years from the date of conviction
Referral order	The last day on which the order has effect
Fine	One year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

This table has been amended to give effect to the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

This means that:

New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.

ANNEX CMINOR TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
 CU20 Causing or likely to cause danger by reason of use or unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
 CU30 Using a vehicle with defective tyres
 CU40 Using a vehicle with defective steering
 CU50 Causing or likely to cause danger by reason of load or passengers
 CU80 Breach of requirements as to control of the vehicle, mobile telephone etc.
- SP10 Exceeding goods vehicle speed limit
 SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
 SP30 Exceeding statutory speed limit on a public road
 SP40 Exceeding passenger vehicle speed limit
 SP50 Exceeding speed limit on a motorway
 SP60 Exceeding speed limit offence
- MS10 Leaving a vehicle in a dangerous position
 MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
 MS70 Driving with uncorrected defective eyesight
 MS80 Refusing to submit to an eyesight test
 MS90 Failure to give information as to identity of driver, etc.
 MW10 Contravention of special road regulations (excluding speed limit)
- PC10 Undefined contravention of pedestrian crossing regulations
 PC20 Contravention of pedestrian crossing regulations with moving vehicle
 PC30 Contravention of pedestrian crossing regulations with stationary vehicle
- TS10 Failing to comply with traffic light signals
 TS20 Failing to comply with double white lines
 TS30 Failing to comply with a „stop“ sign
 TS40 Failing to comply with direction of a constable or traffic warden
 TS50 Failing to comply with traffic sign (excluding “stop” sign, traffic lights or double white lines)
 TS60 Failing to comply with school crossing patrol sign
 TS70 Undefined failure to comply with a traffic direction sign
- Aiding, abetting, counselling or procuring- offences as coded above.
 - Causing or permitting- offences as coded above.
 - Inciting- offences as coded above.

ANNEX DMAJOR TRAFFIC OFFENCES

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of the court
BA30	Attempting to drive while disqualified by order of the court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol above limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then failing to supply a specimen for drug analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third-party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle <ul style="list-style-type: none"> • Aiding, abetting, counselling or procuring offences as coded above. • Causing or permitting offences as coded above. • Inciting offences as coded above.

ANNEX E**MATRIX OF PENALTIES FOR OFFENCES COMMITTED WITHIN A PERIOD
OF THREE ROLLING YEARS**

	<u>1st Offence following warnings (where appropriate).</u>	<u>2nd Offence</u>	<u>3rd & Subsequent Offences</u>	<u>Comments</u>
1. Failure to wear badge so as to be plainly and distinctly visible	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	Additional days may be added if the badge is not being worn at night and/or is not in the vehicle and immediately available for wearing
2. Breach of dress code	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	The penalty may be increased if the breach of dress code compromises public safety. (e.g.) unsuitable footwear
3. Improper use of rank/ leaving vehicles unattended	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	
4. Uncivil behaviour	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	
5. Eating, drinking or using a vaping device whilst driving a licensed vehicle	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	This includes any devices which are similar to electronic smoking devices
6. Failure to notify of change of address	1-3 day suspension	4-10 day suspension	Referral to the L&PPC*	
7. Breach of road traffic legislation	1-7 day suspension	8-14 day suspension	Referral to the L&PPC*	
8. Overcharging	3-21 day suspension depending upon circumstances	3-21 day suspension depending upon circumstances	Referral to the L&PPC*	
9. Use of mobile phone whilst driving a licensed vehicle	3-21 day suspension depending upon circumstances	3-21 day suspension depending upon circumstances	Referral to the L&PPC*	
10. Failure to notify a Conviction, Caution or Fixed Penalty Notice or other policy notification requirements.	3-21 day suspension depending upon circumstances	3-21 day suspension depending upon circumstances	Referral to the L&PPC*	This includes all convictions, cautions and fixed penalty notices etc. and other policy notification requirements with the exception of the requirement in 6 above.
11. Failure to pick up passengers on time	3 - 21 days suspension depending upon circumstances	3-21 days suspension depending upon circumstances	Referral to the L&PPC*	Each event will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable.

12 Refusal to take a fare without reasonable cause	3 - 21 days suspension depending upon circumstances	3 - 21 days suspension depending upon circumstances	Referral to the L&PPC*	Each event will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature
13 Failure to maintain subscription to DBS Online Update Service	3 - 21 days suspension depending upon circumstances	3 - 21 days suspension depending upon circumstances	Referral to the L&PPC*	It is essential that the Licensing Authority is kept fully informed and updated of all licence holders' DBS status to ensure public safety.

*Licensing & Public Protection Committee.

Notes:

- The Council's general approach for dealing with those who fail to meet the reasonable standards expected of a licensed driver and for some minor contraventions of conditions will initially be by way of a verbal warning and then written warning where it is appropriate to do so.
- The penalties shown are generally meant to be the maximum penalty for a particular offence. The penalty may be reduced where for example, a full and frank admission is made at the earliest opportunity. The penalty may be increased where there are aggravating factors.
- This list of penalties is not exhaustive and other offences and/or contraventions will be dealt with accordingly.
- Other offences will be dealt with in a manner which is commensurate with the above Penalty Matrix
- Referral to the Licensing and Public Protection Committee (L&PPC) remains an option at any time.
- A driver who is prosecuted for an offence may subsequently be referred to the L&PPC upon conviction of that offence.
- Significant matters may result in revocation at any time.
- Legislation allows for prosecution of some offence as an option at any time.
- Officers have delegated powers to suspend or revoke licences as well as to refer matters to the L&PPC or for prosecution where appropriate.

ANNEX F**VEHICLE EMISSIONS AND CARBON NEUTRALITY:**

Note: The Policy changes on vehicle emissions and the licensing of Electric and Hybrid vehicles may be subject to future review and change because of unforeseen circumstances which may affect the vehicle market.

Electric and Hybrid Vehicles:

All Electric and Hybrid saloon type vehicles which are presented as new to licensing, will be no more than 7 years old. The Council will however, rely on other aspects of their taxi policy to ensure that all such vehicles which are presented as new to licensing, are of a sufficiently high standard.

These vehicles will be subject to 2 full taxi inspections per annum at the Council's Hawks Green Depot.

With immediate effect, all Electric and Hybrid wheelchair accessible type vehicles which are presented as new to licensing, will be no more than 10 years old. The Council will however, rely on other aspects of their taxi policy to ensure that all such vehicles which new to licensing are of a sufficiently high standard.

These vehicles will be subject to 3 full taxi inspections per annum at the Council's Hawks Green Depot.

Vehicle Emissions and Carbon Neutrality

With effect from 1 April 2024, the Council will stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas (LPG) internal combustion engines (ICE). This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

From 1 April 2025, until 31 March 2026, the Council will accept renewal applications for the last time in connection with vehicles which are of the Euro 5 emissions standard and are powered solely powered by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

From 1 April 2026, the Council will stop the new to licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of ICE vehicles already licensed by the Council. Further, it will not affect the new to licensing or renewal licensing of electric vehicles, hybrid vehicles or those using hydrogen fuel.

On 31 March 2030, the Council will stop the licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

ANNEX GDRESS CODELicensed drivers are required to maintain a high standard of personal hygiene & cleanliness

- (i) Drivers shall, as a minimum, wear a shirt or blouse or "T" shirt and tailored shorts, trousers, skirt or denim jeans. The shirt or blouse or "T" shirt shall cover the shoulders and be capable of being worn inside the shorts, skirt or trousers. Shirts or blouses worn as open neck shirts or blouses shall have no more buttons open than the collar button and the next button. "T" shirts, sweat tops, jumpers, shall not carry any words or pictures except for any name (including any logo) of any:-
- a) Manufacturer and/or
 - b) Operator/Proprietor and/or
 - c) The name of the driver
- "Tailored" in respect of shorts and trousers shall be defined as having a fly fastening and capable of being worn with a belt on the waist. In addition, shorts and trousers shall be of one colour with the exception of contrasting detail and piping which will be allowed. To avoid any doubt, tracksuits and denim shorts shall not be permitted.
- (ii) For safety reasons footwear for all drivers shall fit around the heel by an enclosed or sling back. To avoid any doubt, mules or beach "flip flops" shall not be permitted.
- (iii) All clothing shall be clean, free from holes, rips and snags and fastenings shall be in good order.
- (iv) Drivers shall not wear any item of clothing or apparel which exhibits any of the following:
- Offensive language
 - References to drunkenness or the use of recreational drugs
 - Anything racist, sexist, discriminatory or otherwise offensive
 - Any advertising that does not conform to the relevant codes of advertising practice.
- (v) The person responsible for maintenance shall carry in the relevant vehicle an overall or similar item of protective clothing which shall be worn over clothing in the event of any vehicle maintenance being undertaken whilst away from the base.
- (vi) The use of electronic smoking devices or similar whilst driving a licensed vehicles is prohibited. Further, their use is discouraged within licensed vehicles and drivers should treat them in the same way as smoking tobacco.

Some examples of unacceptable standards of dress would include bare chests or shoulders, dirty, ripped or damaged clothing.

ANNEX H**RULES OF THE RANK**

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,

- (a) Proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf
- (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorized to occupy it, proceed to another stand;
- (c) On arrival at a stand not already occupied by the full number of carriages authorized to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved so as to fill the place previously occupied by the carriage driven off or moved forward.
- (e) For the avoidance of doubt, private hire vehicles must not park on or near a taxi rank; it is an offence to ply for hire in a private hire vehicle.

GUIDANCE FOR DRIVERS ON THE USE OF TAXI RANKS

Standing or plying for hire from the taxi ranks helps maintain order and public safety. Proper ranking of vehicles allows for both customers and taxis to queue up in an orderly fashion so that public hiring's can take place safely.

Standing and plying for hire on public highway near to taxi ranks is not encouraged and may be construed as queue jumping and gaining an unfair advantage over other hackney carriages. Furthermore, it confuses members of the public as to where the official taxi ranks are and this may encourage unlicensed taxis to operate in those areas.

There is nothing to stop a member of the public flagging down a passing hackney carriage where the roof sign is illuminated.

Engines on licensed vehicles must be stopped whilst standing still on the taxi ranks. Failure to do so may result in action being taken in accordance with sections 3 and/or 7 of the Matrix of Penalties for Offences given as Annex E to this policy.

ANNEX I

FARES FOR HACKNEY CARRIAGE JOURNEYS

For hackney carriage vehicles (taxis) the law requires that:

- 1) For all journeys which start and finish within the Cannock Chase District, the fare charged must be no more than the fee displayed on the meter. In consequence, the meter must be used for all journeys which start and finish within the Cannock Chase District. This is the case even if they are pre-booked journeys. To charge a passenger more than is displayed on the meter is an offence.
- 2) For journeys ending outside the Cannock Chase District, the law does not permit a taxi driver to charge more than the fare shown on the meter (which is calculated on the Fare Scale Card provided in each Taxi) unless the journey ends outside the District boundary and the passenger and the driver have agreed a different fare BEFORE the journey commences. It remains good practice to turn the meter on, even for this type of journey.
- 3) Where hackney carriage vehicles act as private hire vehicles because the journey starts and finishes outside the Cannock Chase District, the fare for that Journey can be agreed in advance. Under these circumstances, it is not necessary for a hackney carriage vehicle acting as a private hire vehicles to use the meter. A receipt for any of the above journeys must always be provided if it is asked for by the passenger.

ANNEX J**IDLING VEHICLES CONTRIBUTE TO AIR POLLUTION****Put a stop to idling engines**

Running your engine unnecessarily while your vehicle is stationary pollutes the environment. And it's against the law on a public highway.

What are the problems?

An idling engine can produce up to twice as many exhaust emissions as an engine in motion. Exhaust emissions contain a range of air pollutants such as carbon monoxide, nitrogen dioxide, and particulate matter. These can affect the air quality of the surrounding environment and the air we breathe.

Why is idling illegal?

Vehicle idling is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The law states that it is an offence to idle your engine unnecessarily when stationary. If you fail to turn your engine off after being spoken to you may be issued with a fixed penalty notice.

Who does the legislation affect?

The legislation covers all vehicles on public roads including buses, taxis and private cars. It does NOT apply to vehicles moving slowly due to road works or congestion; vehicles stopped at traffic lights; vehicles under test or repair; or defrosting a windscreen.

What can you do?

- You can do your bit by switching off the engine if it looks like you could be waiting for more than a minute or two. Modern cars use virtually no extra fuel when they're re-started without pressing the accelerator so you won't waste lots of fuel switching the engine back on.
- Turn off your engine when stationary, for example - on a road at a shop, school, taxi rank and stands, whilst unloading / loading or when parked.
- Avoid idling whilst waiting in car parks, petrol stations, lay-bys, "set down" and "pick up points".

What are the benefits?

- By turning off your engine you improve air quality, reduce fuel costs and comply with the law.
- Reducing air pollutants can help cut heart disease, reduce lung cancer and prevent asthma attacks.

Does starting an engine cause more pollution than idling?

No. Turning off an engine and restarting it after a minute or two (or longer) causes less pollution than keeping the engine idling and uses less fuel.

Does the engine need to stay on to keep the battery fully charged?

No. Modern batteries need less engine running time.

When it's cold I need to keep my vehicle warm or warm up my engine?

It can take up to an hour for an engine to cool down. Turning off your engine, but keeping the ignition and the fan blowing will provide warm air for some time. If you are concerned about passenger comfort, keep the engine idling to an absolute minimum in warm and cold weather.

Don't catalytic converters need to be hot to work properly?

Yes, but an idling engine does not keep a catalytic converter warm. They retain their heat for about 25 minutes after an engine is switched off anyway. Some useful Eco Driving Tips can be found at: <http://www.energysavingtrust.org.uk/Travel/Driving>

ANNEX KGUIDANCE ON PASSENGER SAFETY IN LICENSED VEHICLES

Cannock Chase Council is committed to ensuring that residents remain safe when using licensed vehicles. The following advice is offered to for anyone planning to use taxis or a pre booked private hire vehicles.

Do I use a Taxi or Private Hire Vehicle?Hackney carriage vehicles or "Taxis"

You will find a taxi standing on one of the local taxi ranks and the driver can be approached at any time as they do not need to be pre-booked. Taxis carry a roof sign which lights up at night which says TAXI. The price you pay is shown on the taxi meter which is usually on the front dashboard of the vehicle.

If you take a taxi during the early hours of the morning (after you have been to a late night venue or nightclub) then you may be asked for some payment upfront. This is acceptable practice by the driver.

If you are travelling wholly within the Cannock Chase Council area, the cost of journey will be displayed on the taxi meter which shows the running total of your journey. You should not be charged any more than is shown on the meter. If you are travelling outside the area then you can agree the fare with the driver and the meter does not have to be used. However, it is still good practice for the driver to do so.

Taxis which display the **TAXI** roof light can also be hailed or approached in the street but it is safest to go to a taxi rank.

Taxis can also be pre booked if you prefer to do so. Many of the larger companies will now text you to say that your taxi is waiting outside. The text includes details of your taxi such as the make model and colour of the vehicle as well as its registration number.

Private Hire Vehicles or "Minicabs"

Private hire vehicles **MUST** be booked in advance and as long as your journey is pre booked, you can arrange for your local operator to drop you off or pick you up anywhere.

In the Cannock Chase area, private hire vehicles do not carry a roof sign but some neighbouring authorities do require their private hire vehicles to carry a roof sign.

You should only approach an un-booked vehicle if the roof sign bears the words "TAXI"

If the roof sign has other wording or a telephone number on it then you should not approach the driver unless you have pre-booked the vehicle. If you get into a PHV which is not pre-booked, neither you nor the driver will be insured and the driver is committing an offence.

Many of the larger companies will now text you to say that your private hire vehicle is waiting outside. The text includes details of your vehicle including the make and colour and the vehicle registration number.

Passengers are encouraged to pre book vehicles where ever possible and arrange to be picked up and dropped off in a safe place. This will help keep you safe in the hands of properly licensed drivers and vehicles and reduce the possibility of you being picked up by unlicensed and/or uninsured drivers and vehicles.

What else should I do or look out for?

1. **Ensure that the driver is wearing a badge.** S/he should be wearing it so as to be clearly visible. It should not be hidden under clothing such as a jacket, body warmer or jumper. Where possible vehicles should be approached from the front so that the face of the driver and the fact that he s/he is wearing a badge can be clearly seen.
2. **Note the number of the vehicle you are entering.** The licence number is displayed on a licence plate at the rear of the vehicle and on the square card style licence plate in the front windscreen of the vehicle. This interior plate displaying the licence number can generally be found in the bottom left hand corner of the windscreen
3. **Sit in the rear of the vehicle behind the driver.**
4. **Never accept a lift from a stranger in a car.**
5. **Inform somebody else of the journey you are taking.**
6. **Arrange to be picked up and dropped off in a safe place.**
7. **Wear your seatbelt.** It is your responsibility to ensure you are safely strapped into the seatbelt. The driver does not always need to wear his seatbelt so do not follow his lead.
8. **Only hire taxis from a taxi rank.** There are 3 within the Cannock Chase area. Stafford Road, Cannock (Outside the College/Innovation Centre) , Anglesey Street, Hednesford (outside Weatherspoon) Bees Lane, Elmore Lane, Rugeley, (near the Bus Station)
9. **Ask for a receipt from the driver.** The driver has a duty to provide you with a receipt if asked. If there is a dispute over a fare or the price you are asked to pay then obtain a receipt and contact the Council's Licensing Unit
10. **Do not engage in conversations about your home life or private life.** Drivers are advised not to do this and you will be helping them if you refrain.
11. **Check that you have left nothing in the vehicle when you get out.**
12. **Ask the driver to comply with your reasonable requests.** You may ask the driver to slow down or stop drinking /smoking/ using a mobile phone whilst you a passenger in the vehicle. If you remain unhappy then report the driver to the Council.
13. **Compliment the driver on his actions if it is appropriate to do so.**

Cannock Chase Council's licensing officers help make sure that licensed drivers and vehicles comply with safety requirements. If you have cause to complain about a taxi, private hire vehicle or its driver then information on how to feedback compliments, comments or complaints about a taxi, private hire vehicle or its driver in Cannock Chase is given in Annex L to this policy.

ANNEX L**HOW TO COMPLIMENT, COMMENT OR COMPLAIN ABOUT A LICENSED DRIVER OR VEHICLE**

Information on how to feedback compliments, comments or complaints about a taxi, private hire vehicle or its driver in Cannock Chase.

How to compliment, comment or complaint

All complaints must be sent in writing to:

Licensing Unit,
Cannock Chase District Council,
PO Box 28,
Beecroft Road,
Cannock,
Staffordshire,
WS11 1 BG.
Phone 01543 462621
Email: licensingunit@cannockchasedc.gov.uk

A "report it" facility is available on the Council's website at www.cannockchasedc.gov.uk

The Licensing Unit can investigate complaints such as:

- Overcharging
- Refusal to hire
- Rudeness/verbal abuse
- Journey routes
- Physical makeup of vehicle (e.g. cleanliness)
- Safety of vehicle (e.g. seat belts in working order.)

Complaints about matters such as dangerous driving, assault or theft should be reported to the Police as well as the Council's Licensing Unit.

Information you will need to supply:

Where possible you should include:

- A description of the incident
- The driver's badge number (if possible)
- The plate number and/or registration number of the vehicle
- The date and time of the incident and journey details (to and from)
- Other passengers present
- The name of the taxi company concerned
- Your contact details

Generally, complaints are dealt with by the licensing officers who will take appropriate action once the investigation is complete.

Serious complaints which may result in action being taken through the courts will require witness statements from all those present during the incident.

If you do not wish to make a witness statement, the complaint is unlikely to go to court and may be dealt with in a less formal manner.

ANNEX M**FAIR PROCESSING NOTICE****HOW WE USE YOUR PERSONAL INFORMATION:**

At Cannock Chase District Council we take your privacy seriously and will only keep and use your personal information for reasons that the law requires or allows. We are a data controller for the personal information we hold about you in relation to the processing and renewals of your Licences. In order to comply with data protection legislation, we want to be sure you understand how we use this information.

The purpose for which your data will be used is to establish your identity and other necessary information about you which will help us determine your fitness, propriety and suitability to hold a licence or other authorisation with this authority.

If you are a hackney carriage/private hire driver, we may also use your data to enable the maintenance of a national revocations and refusals register (NR3) to strengthen hackney carriage / private hire vehicle licensing for the benefit and safety of passengers and drivers.

The introduction of this NR3 register will help other licensing authorities to make decisions on whether or not you are a fit and proper person to hold a licence with that authority. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority.

The recipients or categories of recipients of the personal data in the case of the NR3 National Register of Refusals or Revocations will be the National Anti-Fraud Network and Licensing Authorities

The following is a generic, non-exhaustive list of relevant legislation which may apply to your particular licensing application or renewal. The information we collect about you will permit us to process your application in compliance with the legislation.

- Licensing Act 2003
- Gambling Act 2005
- The Local Government (Miscellaneous Provisions) Act 1976 & 1982
- The Town Police Clauses Act 1847
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- House to House Collections Act 1939
- Scrap Metal Dealers Act 2013

Cannock Chase District Council is required by law to protect the public funds it administers. We may share information provided to us with other agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so.

We may share information about you for the purposes of auditing and administering public funds, preventing and detecting fraud and the prevention and detection of crime. Otherwise, we will only share your data if you ask us to. We only keep this data for the time specified in our retention schedule or as required by law. In the case of your personal data which is held on the NR3 data base the retention period will be 25 years

Data protection law provides you with certain rights, however not all of these rights will be available to you in all situations, particularly where we process your information as part of one of our statutory duties. Where we are under a legal duty to use data for a particular purpose you will not have the right to prevent it being used in that way.

A full list of the rights you may have, under data protection law, is given in the 'Your Rights' section of this webpage. For specific enquiries regarding personal data which we process you can contact the Data Protection Officer on email: infomanager@cannockchasedc.gov.uk or at Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG.

If you wish to complain about how your personal information has been handled by Cannock Chase District Council then please contact the Data Protection Officer in the first instance using the details above. If you are not satisfied you can submit a formal complaint to the Council via our website <http://www.cannockchasedc.gov.uk/council/about-council/customer-feedback-help-us-get-it-right>

Finally you can complain to the Information Commissioner's Office at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or you can visit their website at www.ico.org.uk You can also find details of how we handle your personal information by visiting www.cannockchasedc.gov.uk/DataProtection

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY
REVISED POLICY 2023

Reference number:

Taxi Policy 2023/01

Date received:

12 July 2022

Name and address of respondent

Mr Steven Toy

CCDC licensed Hackney Carriage and Private Hire Driver.

Trade leader of the CCDC Hackney Carriage and Private Hire Liaison Group

Note: Although Mr Toy has responded in his own right, he is well placed to represent the views of the trade local and is the Chair of the Cannock Chase Taxi Association and Vice Chair of the National Private Hire and Taxi Association

Comments/observations made by respondent:

Mr Toy says that he will only respond to parts of the consultation document that give him cause for comment. Where he has made no comment or not responded to a question, it is because he has no objection to, or concern about, that proposal.

Mr Toy asks that his response is read in conjunction with an article he wrote for *Private Hire and Taxi Monthly* magazine in December 2021. The article was on the subject of 100% WAV policies and the National Private Hire and Taxi Association. This document is attached to this appraisal.

Section 1. Air Quality

Response:

Mr Toy has responded to both sections 1 and 2 of the document in the same paragraph which is outlined below the section 2 questions.

Section 2. Electric and Hybrid Vehicles

Response:

Mr Toy supports all the stated proposals in section 1 and 2 with the proviso that the policy is subject to frequent review. This is to account for rapidly changing geopolitical and economic circumstances which may affect availability of suitable and affordable licensed vehicles or the trade.

Mr Toy says that second-hand car prices are around 20 to 30% higher than they were a year or so ago due to semiconductor shortages caused by the pandemic and, more recently, neon gas (used in printed circuit boards) due to the war in Ukraine.

He also says that many brand-new cars there are waiting times as long as nine months.

Mr Toy agrees that the long-term goals of the consultation proposals are more than reasonable but there may need to be some flexibility on timescales going forward. He suggests that such flexibility needs to be built into the policy with the words: *Subject to review and possible change due to any unforeseen geopolitical, economic or other circumstances affecting the vehicle market.*

Section 3. Wheelchair Accessible Vehicles (WAV's)

Response:

Mr Toy says that he would not support any proposal for a 100% WAV policy for Hackney Carriage vehicles. He says that this would be a red line for the trade and would not accommodate the needs of all passengers with disabilities.

In December last year, Mr Toy wrote an article for PHTM, which is a trade magazine circulated nationally, on the subject of 100% WAV policies for Hackney Carriages. It is attached with this document and contains information which he says should be used to inform the Council's policy decision regarding WAVs.

Mr Toy says that a 100% WAV policy would likely result in a significant decline in the number of drivers and hackney carriage vehicles licensed in Cannock Chase over which the licensing authority has control. This would, he says, amount to a drop of around 20% in our trade as well as an increase in unmet demand in the district for Hackney Carriages at peak times.

With respect to increasing the number of WAV's licensed by the Council, Mr Toy believes that there are various ways in which we could achieve this target as follows:

- Differentiated vehicle age limits with more relaxed limits for WAVs as proposed in the draft policy. We should also consider licensing ICE-only vehicles as WAVs for the foreseeable future on the basis that they will form a relatively small minority of vehicles and our carbon neutrality objectives can therefore still be met by the rest of the licensed vehicles. Mr Toy makes the point that hybrid or electric WAVs are currently prohibitively expensive.
- Encourage larger operators to work together to ensure WAV availability at all reasonable times and to subcontract WAV bookings to each other as and when required. The council could post WAV availability, including links to companies providing WAVs on its website.
- Only license, new to licensing, vehicles capable of carrying 5, 6 or 7 passengers if they are also capable of safely carrying a passenger seated in a wheelchair. I.e.: All vehicles licensed to carry 5, 6 or 7 passengers should be WAVs. 8-seater minibuses need to be exempt from this given that 8-seater WAVs are extremely scarce. There is considerable demand for 8-seater vehicles, and we need to ensure that the needs of all passengers, with and without disability, to travel in comfort and dignity are met.
- License rear-loading converted WAVs including ICE-only ones up to 10 years old.

Section 4. CCTV In licensed vehicles

Response:

Mr Toy has made no response to this section of the consultation. He says where he has made no comment or not responded to a question it is because he has no objection to or concern with that proposal.

Section 5 Vehicles subject to insurance write off

Response:

Mr Toy has made no response to this section of the consultation. He says where he has made no comment or not responded to a question it is because he has no objection to or concern with that proposal.

Appraisal of comments by the Authority:

The Council is grateful for Mr Toy's response and our appraisal of the consultation response is as follows:

Questions on air quality

Mr Toy has responded to both sections 1 and 2 of the document in the same paragraph which is outlined below the section 2 questions.

Questions on electric & hybrid vehicle

Mr Toy's support for all the stated proposals in section 1 and 2 are noted and the Council agrees that any policy requirements which result from the consultation should be subject to frequent review. Mr Toy's proposal that the policy should contain the following paragraph, or similar, will be considered.

"Subject to review and possible change due to any unforeseen geopolitical, economic or other circumstances affecting the vehicle market".

Questions on wheelchair accessible vehicles

Mr Toy says that he would not support any proposal for a 100% WAV policy for Hackney Carriage vehicles as it would place an onerous financial burden upon the trade in terms of running costs if not up-front purchasing or financing costs.

The Council agrees that a 100% WAV policy may result in a significant decline in the number of drivers and vehicles licensed in Cannock Chase and that this may increase unmet demand in the District for Hackney Carriages at peak times.

With respect to increasing the number of WAV's licensed by the Council, the Council will continue to explore ways by which we can increase their numbers.

Questions on CCTV in vehicles

Mr Toy has made no response to this section of the consultation.

Questions on vehicles subject to insurance write off

Mr Toy has made no response to this section of the consultation.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from Mr Toy.

Please see the full consultation response document.

Signed:

Agreed:

Date:

SHOULD COUNCILS SCRAP 100% WHEELCHAIR-ACCESSIBLE VEHICLE POLICIES FOR HACKNEY CARRIAGES?

YES - In short, apart from in our biggest cities such as London, Birmingham and Manchester where the traditional black cab, also a WAV, is something of an icon.

I hear cries of "What about the needs of people with disabilities?" Certainly, we do need to ensure that all people both able-bodied and those less so for whatever reason have equal access to licensed vehicles in order to complete their journeys safely, with dignity and in reasonable comfort.

The problem is that the international symbol for disability has much to answer for in that it leads to a popular perception, also mirrored by licensing authorities, of disability being akin to being bound to a wheelchair.



The reality is quite different, however and I've dug up a few statistics:

Wheelchair users account for less than 2% of the 11 million people in the UK with disability and less than 1.2% of the general population. This means that 92% of people with disability are completely unrepresented and even alienated by the international symbol depicting a wheelchair.

<https://www.disabilitysport.org.uk/facts-and-figures/about-disabled-people-in-the-uk.html>

<https://www.disabled-world.com/disability/statistics/wheelchair-stats.php>

Furthermore, not all wheelchair users are completely bound to their chairs. Some require one, not because they are unable to walk, but because they are unable to walk very far. They would likely prefer the comfort of sitting in a normal car seat which is designed for the purpose of travel by motor vehicle rather than sitting in a wheelchair which is not.

They may require some assistance in boarding and alighting from the vehicle with the wheelchair being secured in the boot but not as much as a wheelchair-bound passenger who requires the driver to wheel them up a ramp before they are rotated to face forward and

the chair secured with straps. The driver also needs specific training to ensure this is done safely.

We don't have figures for the number of people who are bound to the wheelchair as a subset of all wheelchair users but it would be a reasonable assumption that they account for around half of the total. If this is so, then wheelchair-bound passengers account for less than 1% of the general population and 4% of people with disability.

This brings us to the problem of WAVs which for many people with disability who are not going to leave, enter and travel in the vehicle seated in the wheelchair: the high ground clearance makes boarding and alighting from the vehicle considerably more difficult for the vast majority of them.

Go to any large taxi/private hire booking office and you will find that the number of people with disability requesting a saloon or 'low' vehicles exceeds those requesting WAVs by more than ten to one.

The simple fact is, a one-size-fits-all vehicle that meets the needs of all passengers, able-bodied and with disability alike, just doesn't exist.

Not only that, but WAVs are expensive both to buy and run, have a larger carbon footprint and have higher emissions of nitrogen dioxide and particulates - even if they meet Euro 6 standard compared to saloon vehicles. Yes, there is an electric WAV, the LEVC TX but it is prohibitively expensive to buy and only has an all-electric range of 80 miles on a charge. The real-world range is reported to be less than that. Saloon electric vehicles typically have a range of up to 300 miles and this is set to improve in the years to come.

As councils up and down the land seek to reduce the environmental impact of licensed vehicles, they would do well to incentivise purchasing electric and hybrid vehicles rather than only allowing those ungainly, uncomfortable, mostly polluting and expensive WAVs to be used as hackney carriages.

Why do many councils insist on 100% WAV policies specifically for hackney carriages? After all, people in wheelchairs are more likely to pre-book a journey than

hail a taxi in the street. Indeed, many hackney carriage drivers don't even have radios or PCAs in their vehicles and therefore don't accept bookings from the major operators. They rely almost exclusively on public hire to earn their living and are unlikely to encounter many wheelchair users at all.

Apart from the black cab being such an icon and the popular perception of disability, gesture politics is certainly also a major factor. This is defined by the Cambridge Dictionary as:

"Any action by a person or organisation done for political reasons and intended to attract public attention but having little real effect."

It certainly requires little effort to impose such an onerous burden on the trade with little benefit to the travelling public. The responsibility for meeting the needs of all users, with and without disability, including wheelchair-bound passengers should be shared by both private hire and hackney carriage vehicles alike. Hackneys are targeted by local authorities specifically as a kind of bribe: allow wheelchair-bound passengers access to your vehicles and we will allow you access to our taxi ranks, to flag-downs and to your own bookings without the need for an operator's licence.

I also suspect that it is an indirect means of limiting the number of hackney carriages in areas where the number is delimited, at least officially.

It is effectively a blunt instrument and I think it is time for local authorities to stop using people with disability as a

political football. Other more fine-tuned options are available, including the licensing of smaller rear-loading converted WAVs, such as the Peugeot Partner, which costs about the same as a regular saloon car.

It has been said that loading a passenger via the rear doors is undignified. This is fanciful, especially when compared with wheeling someone up a ramp before tilting them back and rotating them 45 degrees, potentially hitting their head, shoulders or feet on the sides of the vehicle if they are especially tall. Loading someone through the rear doors, already facing forward, requires far less time and fuss which is preferable to most wheelchair users and drivers alike.

Differentiated age limits for newly licensed vehicles, with WAVs enjoying a more relaxed limit is another possible incentive.

Ideally we should be aiming for mixed fleets both for hackney carriage and private hire vehicles and the target for WAVs should be between 10 and 15 percent of hackneys or less if WAVs are also licensed as private hire vehicles.

There are growing campaigns by the trade for mixed hackney carriage fleets in parts of the country, notably in Sheffield and in Dudley.

I hear you guys and I support you!

Article by Steven Toy NPHTA Board Member
Trade leader of Cannock Chase HC PH Liaison Group

**A UNIFIED TRADE IS A POWERFUL VOICE!
NOW MORE THAN EVER WE NEED TO STAND TOGETHER!!**

JOIN THE NPHTA NOW!

0161 280 2800 info@nphta.co.uk

NPHTA
unifying our trade

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY
REVISED POLICY 2023

Reference number:

Taxi Policy 2023/02

Date received:

6 July 2022

Name and address of respondent

Cllr Olivia Lyons

Councillor for Western Springs Ward

Comments/observations made by respondent:

Section 1. Air Quality

Response:

Cllr Lyons says that Improving the District's Air Quality is imperative, but this must be balanced with the needs of, and impact upon, on local taxi businesses. Importantly, Cllr Lyons also points out that the charging infrastructure needs to be of sufficient capacity to meet the demand.

Section 2. Electric and Hybrid Vehicles

Response:

Cllr Lyons supports the proposed increase in the age of first licensing for HEV's PHEV's or EV's, provided this only applies only to initial presentation to licensing and is not unnecessarily prohibitive. The point is also made that we must ensure the taxi trade is accessible and affordable for those wishing to join it.

Cllr Lyons supports the Council's proposal to increase the age of first licensing for HEV's PHEV's or EV's which are WAV's as it is important that the Council licenses as many wheelchair accessible vehicles as possible. Cllr Lyons believes that a shorter timeframe may result in fewer WAV's being licensed and that this would disadvantage residents.

Cllr Lyons also suggests that the Council could engage external support and provide the details to our local taxi firms of any carbon reduction scheme that may assist local taxi firms to improve their CO2 footprint.

Section 3. Wheelchair Accessible Vehicles (WAV's)

Response:

Cllr Lyons makes the point that a WAV must be clearly defined and licensed in accordance with the type of access they are able to provide. Cllr Lyons suggests that the Licensing Unit should continue to engage with local taxi firms in order to seek feedback about the need to increase the number of WAVs available within our licensed fleet.

Section 4. CCTV In licensed vehicles

Response

Cllr Lyons suggests that determining whether there is pressing need and legitimate aim to mandating CCTV in all licensed vehicles should be evidence based and asks the question as to whether the data the Council already holds is sufficient to justify compulsory implementation.

Further Cllr Lyons asks whether allowing licence holders and drivers to make their own decision as to whether they fit CCTV into their vehicles would heighten the risk of data protection breaches. Cllr Lyons is confident that the Council's requirements around data capture, storage and release will be well managed by the Council.

With respect the CCTV specification outlined in the consultation document, Cllr Lyons suggests employing equipment which will be fit for purpose. Cllr Lyons is also concerned that the removal of basic dashcam equipment from within licensed vehicles, may adversely impact on drivers and lessen the protection they rely on to safeguard themselves and their passengers.

Cllr Lyons agrees with the proposal in respect of darkened windows but confirms that it is vital that the Council ensures the safety of travelling passengers.

Section 5 Vehicles subject to insurance write off

Response:

Cllr Lyons believes it is imperative that written evidence from a suitably qualified professional, is obtained prior to any category S or N vehicle being licensed by this authority. She confirms that the Council's inspection regime is vital in this regard.

Appraisal of comments by the Authority:

The Council is grateful for Cllr Lyons response and our appraisal of the consultation response is as follows:

Questions on air quality

Cllr Lyons believes that improving the district air quality is imperative and that it must be balanced with the need of local businesses who's needs should be assessed following the impact any changes which may be made. The Council agrees and has employed the services of The Energy Saving Trust (EST) to help us engage with all of our licensed drivers, proprietors and operators in order to help smooth the transition from petrol and diesel internal combustion engines (ICE) vehicles to hybrids and EV's (electric vehicles).

The uptake of the EST advice and services by the trade however, was very poor and the offer of free EV test drives had to be cancelled due to the lack of interest and engagement by the trade.

The Council has a rolling programme of implementation and installation of charging points across the district. This will include specific provision for taxis.

Questions on electric & hybrid vehicle

Cllr Lyons is supportive of the introduction of Hybrid and EV within the given timescales on the proviso that such vehicles remain accessible and affordable. Whatever the agreed timescale for introduction of the Hybrid and EVs, the Council will aim to ensure that the licensing of such vehicles is both accessible and affordable. However the Council will have no control over market forces and the cost of the vehicles available for purchase.

Cllr Lyons supports wheelchair accessible vehicles (WAV) which are hybrid or EV's and believes that external support for local taxi firms may assist the Council in improving the percentage of WAVs we currently license. The Licensing Unit will engage with the trade with respect to this matter.

Questions on wheelchair accessible vehicles

Cllr Lyons suggests that the Council should be clear as to which vehicles we will license as a WAV. All potential WAV's will be considered on their own merit. The Council will consider any make of model of vehicle as a WAV on the condition that the vehicle is capable of carrying a passenger whilst they are sitting in a wheelchair.

Questions on CCTV in vehicles

Cllr Lyons says that Council policy should be data led and evidence based. Officers agree however, following the consultation responses, there is insufficient evidence to constitute a clear and compelling reason to mandate fitting of CCTV in the District.

Cllr Lyons is concerned that permitting individual licence holders to fit CCTV into their vehicles may lead to data breaches. This however, is unlikely as all images captured on a CCTV data card are kept under lock and key on the hard drive. They are also encrypted and password protected. This means that the potential for unlawful data breaches is significantly reduced.

The Licensing Unit has also received a consultation response from a CCTV provider and installer. This CCTV company concerned has provided the Licensing Unit with a number of CCTV specifications used by other LA's and agreement will be reached on the required specification in due course.

Cllr Lyons is content that the restrictions on darkened windows should remain in the Council Policy unless CCTV is fitted. Many of the consultation responses have a different view on this matter and consideration of this will form part of the Council's reply to the consultation responses.

Questions on vehicles subject to insurance write off

Public safety is of paramount importance to the Council and Cllr Lyons that written off vehicles can be licensed by the Council in accordance with the proposed new policy requirement.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from Cllr Lyons. Please see the full consultation response document.

Signed:

Agreed:

Date:

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY
REVISED POLICY 2023

Reference number:

Taxi Policy 2023/03

Date received:

28 June 2022

Name and address of respondent

Cllr Mike Sutherland

County Councillor and District Councillor for Etchinghill and the Heath Ward

Comments/observations made by respondent:

Section 1. Air Quality

Response:

Cllr Sutherland agrees that the Council should stop licensing vehicles which are not Euro 6 compliant after 1 April 2024. He also agrees with the proposals contained in questions 2 and 3 on Air Quality but suggests that an assessment should be carried out which takes into account the current percentage of HEV, PHEV and EV vehicles licensed and the changes required. Cllr Sutherland also suggests a review of the established charging structure to confirm that there is sufficient capacity to meet demand.

Section 2. Electric and Hybrid Vehicles

Response:

Cllr Sutherland does not agree with the proposed 5 and 10 year timescales given in questions 1 and 2 above as he is not sure that it is commercially viable to do so. This is in light of the Council's current commitment to carbon neutrality by 2030 which he says maybe unrealistic when many other local authorities have only agreed to do so by 2050.

Section 3. Wheelchair Accessible Vehicles (WAV's)

Response:

Cllr Sutherland has no particular comment on the above proposals.

Section 4. CCTV In licensed vehicles

Response:

Cllr Sutherland suggests that the Council's Licensing Unit should seek a wider understanding of how and when other District and Borough Council's intend to implement the CCTV process.

Cllr Sutherland says that the Council should not leave the matter in the hands of the vehicle proprietors and drivers as some will choose not to invest in CCTV. He goes on to say that if this Council does indeed intend to implement a mandatory approach to fitting CCTV within licensed vehicles, then this should be done within a realistic timeframe.

Section 5 Vehicles subject to insurance write off

Response:

Cllr Sutherland does not support the proposal to license Category S and N vehicles which have been written off because, he says, the vehicles have been written off for good reasons.

Appraisal of comments by the Authority:

The Council is grateful for Cllr Sutherland response and our appraisal of the consultation response is as follows:

Questions on air quality

Cllr Sutherland agrees with all three proposals offered by the consultation document to stop licensing internal combustion engine (ICE) vehicles over a staged process. This process is intended to culminate in 2030. The Council believes that the change of fleet complexion from ICE to Hybrid and EV for the sake of air quality is manageable and improvements in air quality will be simultaneous with the introduction of Hybrid and electric vehicles. The timescale, however, may need to be re-assessed following the consultation responses.

Questions on electric & hybrid vehicle

Cllr Sutherland is not supportive of the 2030 timescale given within the consultation document proposals. He believes that the target date for carbon neutrality of 2030 may be unrealistic as other local authorities have a target date of 2050.

This must be a matter for politicians to decide but officers will ensure that the 2 policy objectives of improving air quality and achieving carbon neutrality, will be carried out simultaneously.

Questions on wheelchair accessible vehicles

Cllr Sutherland has no comment to make on the questions on WAV's.

Questions on CCTV in vehicles

Cllr Sutherland would like more information from other LA's on the implementation of CCTV within licensed vehicles. This may be informative but every assessment on the implementation of CCTV must be risk based on the individual circumstances of each licensing authority. This Council must however, make a decision which is based on the needs, risks and challenges within our own District

Cllr Sutherland supports mandatory CCTV within a reasonable timescale however the Information Commissioners Office (ICO) believes that there must be clear and compelling reasons for a LA to do so. The consultation responses and lack of other evidence does not lend itself to a mandatory requirement.

Questions on vehicles subject to insurance write off

Cllr Sutherland does not believe it's appropriate to license vehicles which have been written off however the Council believes that it is possible to safety license such vehicles where proper safeguards are in place.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from Cllr Sutherland. Please see the full consultation response document.

Signed:

Agreed:

Date:

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY
REVISED POLICY 2023

Reference number:

Taxi Policy 2023/04

Date received:

7 July 2022

Name and address of respondent

Cllr Paul Jones

Councillor for Hednesford Green Heath Ward

Comments/observations made by respondent:

Section 1. Air Quality

Response:

Cllr Jones says that Improving the District's Air Quality is imperative, but this must be balanced with the needs of and impact upon on local businesses. He also makes the point that the impact of any changes on the local taxi businesses must also be taken into account prior to any decision being taken. Importantly, he also points out that the charging structure needs to be of sufficient to capacity to meet the demand.

Section 2. Electric and Hybrid Vehicles

Response:

Cllr Jones agrees with the proposed timescales given in questions 1 and 2 of the consultation document on the condition that these applies only to the initial presentation and is not unnecessarily prohibitive. He believes it is important that we have as many wheelchair accessible vehicles as possible and a lesser timeframe may result in fewer WAV's being licensed. Cllr Jones also says we must ensure that the taxi industry is accessible and affordable for all those wishing to enter it.

Cllr Jones also suggests that the Council could engage external support and provide the details to our local taxi firms of any carbon reduction scheme that may assist local taxi firms to improve their CO2 footprint.

Section 3. Wheelchair Accessible Vehicles (WAV's)

Response:

Cllr Jones makes the point that a WAV must be clearly defined and licensed in accordance with the type of access they are able to provide. Cllr Jones also suggests

that the Licensing Unit continues to engage with local taxi firms in order to seek feedback on the need to increase the number of WAVs.

Section 4. CCTV In licensed vehicles

Response

Cllr Jones suggests that determining whether there is pressing need and legitimate aim to requiring CCTV to be fitted into all licensed vehicles should be evidence based and asks whether the information the Council already holds is sufficient to justify compulsory implementation.

Further Cllr Jones asks whether licence holders and drivers to make their own decision as to whether they fit CCTV into their vehicles would heighten the risk of a data protection breach. Cllr Jones is confident that the Council's requirements around data capture, storage and release will be well managed by the Council. Cllr Jones also mentions the need for CCTV signage to be agreed and displayed where CCTV is fitted within licensed vehicles.

With respect the CCTV specification outlined in the consultation document, Cllr Jones suggests employing equipment which will prove useful when issues arise. Cllr Jones also ask the question as to whether the removal of dashcam equipment from within licensed vehicles unless it meets the same specifications for CCTV, will adversely impact drivers and lessen the protection they rely on to safeguard drivers and their passengers.

Cllr Jones agrees with the consultation proposal in respect of darkened windows but confirms that it is vital that the Council ensures the safety of travelling passengers.

Section 5 Vehicles subject to insurance write off

Response:

Cllr Jones contends that it is imperative that written evidence, from a suitably qualified professional, is ascertained and confirmed prior to any vehicle in category S or N is licensed by this authority. He confirms that the Council's inspection regime is vital in this regard.

Appraisal of comments by the Authority:

The Council is grateful for Cllr Jones response and our appraisal of the consultation response is as follows:

Questions on air quality

Cllr Jones believes that improving the district air quality is imperative and that it must be balanced with the need of local businesses who's needs should be assessed following the impact any changes which may be made.

The Council agrees and has employed the services of The Energy Saving Trust (EST) to help us engage with all of our licensed drivers, proprietors and operators in order to help smooth the transition from petrol and diesel internal combustion engines (ICE) vehicles to hybrids and EV's (electric vehicles).

However, the uptake of the services and advice offered by the EST was very poor and the offer of free test drives of a selection of EV's had to be cancelled due to the lack of engagement by the trade.

The Council has a rolling programme of implementation and installation of charging points across the District. Some of these will include specific provision for taxis.

Questions on electric & hybrid vehicle

Cllr Jones is supportive of the introduction of Hybrid and EV within the given timescales on the proviso that such vehicles remain accessible and affordable. Whatever the agreed timescale for introduction of the Hybrid and EVs, Council Policy will aim to ensure that the licensing of such vehicles is both accessible and affordable. However the Council will have no control over market forces and the cost of the vehicles available for purchase.

Cllr Jones supports wheelchair accessible vehicles (WAV) which are hybrid or EV's and believes that external support for local taxi firms may assist the Council in improving the percentage of WAV's we currently licence. The Licensing Unit will engage with the trade with respect to this matter.

Questions on wheelchair accessible vehicles

Cllr Jones suggests that the Council should be clear as to which vehicles we will licence as a WAVs. All potential WAV's will be considered on their own merit. The Council will consider any make of model of vehicle as a WAV on the condition that the vehicle is capable of carrying a passenger whilst they are sitting in a wheelchair.

Questions on CCTV in vehicles

Cllr Jones suggests the council policy should be data led and evidence based. The Council agrees however, following the consultation responses, there is no evidence which constitutes clear and compelling reason to require the mandatory fitting of CCTV in the District.

Cllr Jones is concerned that permitting individual licence holders to fit CCTV into their vehicles may lead to data breaches. This however, is unlikely as all images captured on a CCTV data card are kept under lock and key on the hard drive. They are also encrypted and password protected. This means that the potential for unlawful data breaches is significantly reduced.

The Licensing Unit has also received a consultation response from a CCTV provide and installer. This CCTV company concerned has provided the Licensing Unit with number of CCTV specifications used by other LA's and agreement will be reached of the required specification in due course.

Cllr Jones says that he is content that the current policy restrictions on darkened windows should remain in the Council Policy unless CCTV is fitted. Many of the consultation responses have a different view on this matter however, and consideration of this will form part of the Council's reply to the consultation responses.

Questions on vehicles subject to insurance write off

Public safety is of paramount importance to the Council and Cllr Jones agrees that written off vehicles can be licensed by the Council in accordance with the proposed policy requirement.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from Cllr Jones.

Please see the full consultation response document.

Signed:

Agreed:

Date:

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY
REVISED POLICY 2023

Reference number:

Taxi Policy 2023/05

Date received:

17 July 2022

Name and address of respondent

Cllr Valerie Jones

Councillor for Cannock West Ward

Comments/observations made by respondent:

Section 1. Air Quality

Response:

Cllr Jones says that she agrees with Cllr Olivia Lyons response in respect of an impact assessment on local taxi businesses and the need for sufficient access to charging points. Cllr Jones agrees that the given timescales are reasonable provided that they are feasible

Section 2. Electric and Hybrid Vehicles

Response:

Cllr Jones agrees that the timescales given in questions 1 and 2 are reasonable given her concerns about an impact assessment on local taxi businesses and there being sufficient access to charging points. Cllr Jones believes that the Council should use its networks to look out for appropriate CO2 carbon reduction schemes that would support taxi firms in reducing their carbon footprint

Section 3. Wheelchair Accessible Vehicles (WAV's)

Response:

Cllr Jones believes that the term WAV's should be clearly defined and that the Licensing Unit should consult with local taxi firms in order to seek feedback on what barriers there might be to increasing the number of WAV's.

Section 4. CCTV In licensed vehicles

Response

Cllr Jones states that the installation of CCTV would provide protection for both passengers and drivers alike and that public transport now has CCTV.

There is, Cllr Jones comments, a public perception of safety where CCTV is fitted, especially for women travelling alone in the evening. Cllr Jones also believes that there does need to be justification in respect of ASB and other criminal behaviour in order to make CCTV compulsory.

Cllr Jones says that if mandated by the Council, the installation of CCTV should be universal and the choice should not be left to vehicle proprietors and drivers. This is so that passengers can feel safe in all taxi vehicles rather than just those who have chosen to fit CCTV.

Where fitted, Cllr Jones considers that the responsibility for data capture, storage and downloading should rest with the taxi company or owner of the vehicle who should follow the Council's policy on GDPR as a condition of licensing.

With respect to relaxing the Council's current policy on darkened windows where CCTV is fitted within the vehicle, Cllr Jones considers that this seems reasonable and a good balance between safety and choice of vehicle.

Section 5 Vehicles subject to insurance write off

Response:

Cllr Jones believes that appropriate testing and licensing of such vehicles is vital for the safety of passengers.

Appraisal of comments by the Authority:

The Council is grateful for Cllr Jones response and our appraisal of the consultation response is as follows:

Questions on air quality

Response:

The Council agrees with Cllr Jones when she says that Improving the District's Air Quality is imperative and needs to be balanced with the needs on local businesses. The Council agrees that the electric charging structure needs to be of sufficient capacity to meet the demand.

Questions on electric & hybrid vehicle

Response:

Cllr Jones supports the proposed increase in the age of first licensing for HEV's PHEV's or EV's, provided this only applies only to initial presentation to licensing and is not unnecessarily prohibitive. The Council will aim to ensure that these vehicles are

accessible and affordable for those wishing to enter the trade but can have no control over market forces and the cost of vehicles available for purchase.

Equally Cllr Jones supports the Council's proposal that HEV's PHEV's or EV's which are WAV's can be up to 10 years old when they are first presented for licensing. The Council agrees it is important to license as many wheelchair accessible vehicles as possible.

Questions on wheelchair accessible vehicles

Response:

Cllr Jones says WAV's must be clearly defined and licensed in accordance with the type of access they are able to provide. The Council will continue to engage with local taxi firms to raise concern about the need to increase the number of WAV's.

Questions on CCTV in vehicles

Response

Cllr Jones asks whether the Council holds sufficient information to justify compulsory implementation of CCTV into licensed vehicles. Having considered the consultation responses, the Council cannot establish a clear and compelling reasons to mandate the fitting of CCTV within our licensed vehicles.

Cllr Jones is concerned that permitting individual licence holders to fit CCTV into their vehicles may lead to data breaches. This however, is unlikely as all images captured on a CCTV data card are kept under lock and key on the hard drive. They are also encrypted and password protected. This means that the potential for unlawful data breaches is significantly reduced.

Cllr Jones suggests that we ensure that the CCTV equipment must be fit for purpose. The Licensing Unit has also received a consultation response from a CCTV provider and installer. This CCTV company concerned has provided the Licensing Unit with a number of CCTV specifications used by other LA's and agreement will be reached of the required specification in due course.

Cllr Jones asks whether the removal of dashcam equipment from within licensed vehicles unless it meets the same specifications for CCTV, will adversely impact drivers and lessen the protection they rely on and safeguard their drivers. Consideration of this matter forms part of the Council's reply to the consultation responses.

Cllr Jones agrees with the consultation proposal in respect of darkened windows and confirms that it is vital that the Council ensures the safety of travelling passengers. Consideration of this matter forms part of the Licensing Unit's reply to the consultation responses.

Questions on vehicles subject to insurance write off

Cllr Jones believes it is imperative that written evidence, from a suitably qualified professional is confirmed prior to any vehicle in category S or N is licensed by this authority and confirms that the Council's inspection regime is vital in this regard. Consideration of this matter forms part of the Council's reply to the consultation responses.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from Cllr Jones.

Please see the full consultation response document.

Signed:

Agreed:

Date:

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY
REVISED POLICY 2023

Reference number:

Taxi Policy 2023/06

Date received:

15 July 2022

Name and address of respondent

Dominic Davidson

Senior Transport Co-Ordinator, Staffordshire County Council

Comments/observations made by respondent:

Section 1. Air Quality

Response:

In broad terms, the County Council agrees that stopping licensing vehicles in 2024 which are not Euro 6 compliant is a reasonable approach. They also agree with the approach outlined in question 2 for non-wheelchair accessible and wheelchair accessible vehicles capable of carrying a single wheelchair. In order to balance the needs of passengers with disabilities against environmental objectives however, the County Council request that consideration is given to an easement for vehicles capable of carrying two or more wheelchairs.

Section 2. Electric and Hybrid Vehicles

Response:

With respect to question 1, the County agree with the proposal but believe it might be appropriate to couple this with a maximum mileage. They also agree that the proposal in question 2 is reasonable.

As for whether the above proposals will help increase the numbers of WAV currently licensed by the Council, the County Council do not believe that it will do so in isolation and that this should be coupled with a requirement that all Hackney Carriages are wheelchair accessible.

The County Council believe that a coordinated approach by all licensing authorities in Staffordshire would be beneficial in helping our vision of carbon neutrality. The Staffordshire Leaders Board which has Climate Change as one of its six priorities might be an appropriate way to take this forward.

The County also believe that the electric charging infrastructure needs to be extended as this is a key requirement in supporting the introduction of zero emission vehicles.

Section 3. Wheelchair Accessible Vehicles (WAV's)

Response:

The County Council is clear that in their view, licensing non-wheelchair accessible vehicles as Hackney Carriages is prejudicial to passengers with disabilities and a policy to ensure all wheelchair accessible vehicles are Hackney Carriages would be welcomed by the County Council.

The County Council believes it may also be beneficial to consider whether Private Hire Operator Licence holders for above a set number of PHVs should be obliged to have a minimum level of availability of WAVs for pre-booked journeys.

The County would welcome any measures which are designed to increase the number of WAVs available within Staffordshire. Their experience is that they have to source a significant number of WAV's from out-of-County.

Section 4. CCTV In licensed vehicles

Response

The County Council say that in their view there is a legitimate aim for CCTV to be fitted in the interests of safeguarding and public protection. This is, of course, subject to any system having all necessary security measures in place to comply with Information Commissioners Office (ICO) guidelines. They say however, that a phased approach might be beneficial, to align with the investment that will be required by drivers/operators in low emission and zero carbon vehicles.

In respect of vehicle owners being permitted to choose whether to fit CCTV in their vehicles, the County Council would support this position in the first instance, but believe it may be beneficial to move to a mandated approach at a later date.

The County Council support a ban on dashcams as they are aware that most of these do not meet ICO requirements. A secure CCTV system would enable proprietors/drivers to replace non-compliant dashcams with a proper alternative.

The County Council advocate that the Licensing Authority become the data controller of the CCTV systems. The County would have a concern if the responsibility was with drivers, proprietors and private hire operators as they say, they do not all have the skills or resources to manage compliance with the necessary standards.

The County Council contend that the technical specification is reasonably comprehensive. More detail would be useful on the camera requirements as the specification does not set out whether these are internal or external, or what they should cover.

The County Council agrees with the proposal in respect of darkened windows, albeit this should be on the strict condition that CCTV has been fitted.

Section 5 Vehicles subject to insurance write off

Response:

The County Council say that in their view this proposal carries too many risks for public safety and non-compliance.

Appraisal of comments by the Authority:

The Council is grateful for SCC response and our appraisal of the consultation response is as follows:

Questions on air quality

Response:

The County Council's agrees that the Council should cease to license non Euro 6 compliant vehicles.

The County Council's suggests that the number of WAV's can be increased by means of an easement for vehicles capable of carrying two or more wheelchairs. This Council understands that on a school contract basis, these vehicles are very useful to the County Council, however from a district council perspective, there would be very little justification for requiring operators to run these vehicles on a hire and reward basis.

Questions on electric & hybrid vehicle

Response:

The County Council's comments are noted but this Council believes that coupling the proposals with a maximum mileage requirement would be another barrier into entering the trade.

The County Council's comments are noted with respect to requiring all hackney carriages to be wheelchair accessible vehicles however, the Council believe this to be impracticable at this time. The CCDC licensed taxi trade is also resistant to this type of approach and there may be unintended consequences as outlined elsewhere in the Council's response to the consultation.

On the question of helping the Council reach its vision of carbon neutrality, the County suggest a coordinated approach between all licensing authorities in Staffordshire. It is believed however, that CCDC is the first authority in Staffordshire to consult in this manner, and as a result, there is no consistent approach with respect to licensing policies. This is a further area where the Staffordshire Leader's Board could assist in ensuring all Staffordshire Authorities commit to common goals and minimum standards for vehicle emissions, improved accessibility and enhanced safeguarding and safety in the taxi and private hire trades.

Questions on wheelchair accessible vehicles

Response:

The Council notes the view that licensing non wheelchair accessible vehicles as Hackney Carriages is prejudicial to passengers with disabilities however, we also know that some disabled passengers prefer to travel in saloon type vehicles and WAV only approach of this type would be difficult to justify on the grounds of necessity and expense.

Requiring private hire operators and hackney carriage vehicle proprietors to have a minimum level of availability of WAVs for pre-booked journeys may be of some merit and will form part of our long-term policy approach.

Questions on CCTV in vehicles

Response:

The County Council's comments in respect of a legitimate aim for CCTV to be fitted in the interests of safeguarding and public protection are noted. Following consultation however there is no clear and compelling reason or justification at a local level for the introduction of mandatory CCTV.

A phased approach to fitting CCTV in licensed vehicles maybe beneficial where this is aligned with the investment that will be required by drivers/operators in the purchasing of low emission and zero carbon vehicles. In the first instance however, proprietors and drivers should be permitted the choice whether to fit CCTV in their vehicles with the policy option left open for the Council to move to a mandated approach at a later date. Should we reach this point, the Information Commissioners Office (ICO) would require the Council to become the data controller.

The County Council supports a ban on dashcams, as most of these do not meet ICO requirements. It is true that a secure CCTV system would enable proprietors/drivers to replace non-compliant dashcams with a proper alternative however, there may be a significant cost difference in cost. If the aim of the Dashcam is to monitor the outside of the vehicle, then a dashcam may be sufficient to do so. If the dash cam has the capability of recording inside the vehicle, then this cannot be permitted for data protection reasons.

An appropriate CCTV technical specification will be formalised in due course but it is clear that the proposed specification in the consultation document is reasonably comprehensive.

Although the County Council agrees with the proposal in respect of darkened windows albeit on the strict condition that CCTV has been fitted, this matter has been addressed in other consultation responses and requires careful consideration.

Questions on vehicles subject to insurance write off

Response:

Public safety is of paramount importance to the Council however, with proper safeguards, we consider that written off vehicles can be licensed by the Council in accordance with the proposed new policy requirement.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from the County Council. Please see the full consultation response document.

Signed:

Agreed:

Date:

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY
REVISED POLICY 2023

Reference number:

Taxi Policy 2023/07

Date received:

17 July 2022

Name and address of respondent

Mr Majid Hussain

CCDC licensed Hackney Carriage and Private Hire Driver and member of the Council's Hackney Carriage and Private Hire Liaison Group.

Comments/observations made by respondent:

Section 1. Air Quality

Response:

In response to the questions of air quality, Mr Hussain feels that it is unreasonable to stop licensing non-hybrid internal combustion engine (ICE) vehicles after 1st April 2024. He says that after the last major policy amendment, he purchased a 6-seater vehicle under the pretext that it would continue to be eligible for relicensing while it is kept in pristine condition.

Mr Hussain says that the purchase of his vehicle was considered to be a long-term investment however he is concerned that although we were emerging from the effects of the pandemic, we are having a cost-of-living crisis. He says this is totally unprecedented and the increasing costs of fuel and servicing/maintenance put additional pressure on the trade.

Mr Hussain says that the change from ICE to full electric must be gradual as there is a lack of electric charging points in the District. He also contends that the focus must be on switching to hybrid and then to full electric in the near future. Mr Hussain says the switch from ICE to hybrid and EV's on 1 April 2024 is too much, too soon due to the current economic climate.

Mr Hussain is concerned that if there is no change to this date, then the financial impact of upgrading will be detrimental and affect the livelihood of our licence holders.

Section 2. Electric and Hybrid Vehicles

Response:

Mr Hussain feels there should be more leniency on the new to licensing age of the vehicles. He says that these vehicles are high-priced so it will be difficult for the trade to upgrade.

Section 3. Wheelchair Accessible Vehicles (WAV's)

Response:

Mr Hussain has made no response to the question of WAV's.

Section 4. CCTV In licensed vehicles

Response

Mr Hussain feels that there is no pressing need to make CCTV mandatory in CCDC licensed vehicles. Although CCTV can be used to prevent /detect crime in licensed vehicles, he says he has never experienced any crime while driving a licensed vehicle.

Mr Hussain believes that CCTV should be optional so drivers who fear being victims of crime can employ them.

With respect to dashcams in licensed vehicles, Mr Hussain thinks that they should only be permitted to record images of the outside of the vehicle and believes that this can help in preventing and detecting crime.

With respect to our policy on darkened windows, Mr Hussain says that most manufacturers are making vehicles with slightly darkened rear windows. These are road legal and can make journeys more comfortable for the public. UV rays are restricted and the heat from the sun will not burn the occupants. Less air con is needed therefore there is lower fuel consumption. He says that changing the manufactures specification of a vehicle can make insurance void if not reported.

Mr Hussain says that requiring manufacturers' windows to be replaced is placing an unreasonable burden on the licence holders and that the benefits of doing so, does not outweigh the cost.

Section 5 Vehicles subject to insurance write off

Response:

Mr Hussain has made no response to the question of insurance write offs

Appraisal of comments by the Authority:

The Council is grateful for Mr Hussain's response and our appraisal of the consultation response is as follows:

Questions on air quality

Mr Hussain confirms that his consultation response is a personal view but he feels that it is unreasonable to stop licensing non-hybrid ICE vehicles after 1st April 2024.

His concerns about the cost of running and replacing a licensed vehicle are noted by the Council however, the general consensus is that to stop licensing non Euro 5 Standard vehicles within a reasonable timescale must be the first step towards improving air quality and carbon neutrality. This timescale however, may need to be extended following the consultation responses.

Questions on electric & hybrid vehicle

Mr Hussain's comments are noted and following the consultation process, the Council agrees that it may be prudent to re-consider the timescales given within the original consultation proposals.

Questions on wheelchair accessible vehicles

Mr Hussain has made no response to the question of WAV's.

Questions on CCTV in vehicles

Mr Hussain's views on this matter are consistent with other consultation responses in so far as he does not believe there is a pressing need to make CCTV mandatory in licensed vehicles.

With respect to dashcams in licensed vehicles, the Council agrees that they should be permitted to record outside the vehicle as this can help in preventing and detecting crime. However, dashcams which are capable of recording images inside of a licensed vehicle, will be prohibited.

With respect to the prohibition on darkened rear windows, it is true that many car manufacturers are making vehicles with darkened rear windows and these are road legal. As a result, it is becoming more difficult and more expensive for licence holders to replace the darkened windows in line with current Council policy.

Questions on vehicles subject to insurance write off

Mr Hussain has made no response to the question of WAV's.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from Mr Hussain. Please see the full consultation response document.

Signed:

Agreed:

Date:

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY
REVISED POLICY 2023

Reference number:

Taxi Policy 2023/08

Date received:

12 July 2022

Name and address of respondent

Mr David Lawrie

Director of the National Private Hire & Taxi Association and Safe Systems CCTV Ltd.

Comments/observations made by respondent:

Mr Lawrie has made comment on the Introduction to the consultation document and then answered the 6 questions asked on the CCTV section of the consultation. His comments and responses are reproduced below as they were originally offered by Mr Lawrie.

Section 4. CCTV In licensed vehicles

Introductory comments within the consultation document

1. CCTV Systems in licensed vehicles are used to prevent and detect crime as well as reduce the fear of crime and protect the driver and the public travelling public. CCTV systems can capture important evidence which can act as an additional safeguard. This provides protection confidence and re-assurance to the public as well as to drivers who can be victims of violence, abuse. CCTV evidence can also prevent drivers losing their licence if an accusation against them is proven to be false.

Mr Lawrie's comment:

Wow, that is an extremely refreshing approach / introduction to the topic!

I would maybe expand on it to explain that not only does it have the potential to save drivers the added expense of legal representation as a result of such allegations, but it also saves the council too, based on the cost of interview under cautions, subsequent writing of transcripts, committee reports, committee meetings for determination, and potential legal costs in the event of appeals, which makes this subject a mutually beneficial topic.

Introductory comments within the consultation document:

In considering how to approach the issue of CCTV in its fleet of licensed vehicles, the Council must have regard to the Surveillance Camera Commissioners (SCC) guidance on the matter. This document requires that the use of surveillance camera systems in

licensed vehicles must always be for a specific purpose which is the pursuit of a legitimate aim and necessary to meet an identified pressing need. The SCC is clear that there must be strong justification for making CCTV mandatory within licensed vehicles and the Council clearly acknowledges this.

Mr Lawrie's comment:

Worth noting that time taken in such committee meetings, and subsequent appeal hearings would suffice as being strong enough justification, but we, both as the largest specialist trade representative body which is the national private hire and taxi association, (the NPHTA) and personally as director of the most nationally recognised supplier of bespoke CCTV systems for taxi and private hire vehicles, do not support mandatory conditions, we are very clear that funding should and can be sourced, and that it should remain voluntary.

The SCC Guidance can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1035067/Surveillance_Camera_CoP_Accessible_PDF.pdf

Introductory comments within the consultation document:

As part of the Council's broader work to strengthen safeguarding measures within the licensed taxi and private hire trades, the Council is consulting on whether or not the use of CCTV in licensed vehicles should be compulsory. If the Council's approach is to make CCTV in vehicles compulsory, then the data controller for all CCTV equipment in all of our licensed vehicles may need be a council officer. If our approach is to permit vehicle licence holders and drivers to make their own decision as to whether they fit CCTV into their vehicles, then the vehicle licence holder or a nominated third party may be the data controller.

Mr Lawrie's comment:

As above, we do not promote the move towards mandatory, but we do believe that anyone that doesn't want such a device installed in order to protect themselves and their licenses, really needs to understand the way the industry is moving, and just how fast their livelihoods, their reputation and their freedom may be snatched away, or indeed how they can be attacked both verbally and physically.

The key points here are the data controller aspect, the Information Commissioners Office (ICO) is very clear on this in that where it is mandatory, then the local authority MUST be the data controller, (not necessarily a named officer as suggested here); having said this, the local authority already is a registered data controller in order to process existing CCTV devices, and to hold identifiable information about licensees.

The voluntary approach, specifically the nominated third-party approach, actually applies to both scenarios, which on the surface may seem a little confusing, but I will expand to explain further.

For mandatory, where the council is the data controller, the "access to data policy" will read "data may only be accessed by a council officer, a police officer, or an authorised officer" so in this scenario, a third party may be nominated or "authorised" which then saves officer time, and of course removes the element of "what if the council go fishing through all data".

Whilst we all know that this cannot and must not happen, since according to the ICO, there must be a “legitimate interest” which means only the time and date which relates directly to an alleged crime having been committed; drivers may not understand that, or indeed believe that it will never happen.

Conversely, for vehicle owners, they may not wish to run the risk of doing anything wrong under the data protection regulations (UKGDPR) and may therefore prefer to not have the headache and indeed as you suggest here, “nominate a third-party” which then satisfies all angles.

Introductory comments within the consultation document

2. The Council is also consulting on the prohibition of dashcam type equipment within licensed vehicles unless that dashcam equipment meets the same requirements as the specifications for CCTV.

This is considered necessary because many dashcams which are currently fitted within our licensed vehicles are capable of making recordings of the inside of the vehicle and the visual data recorded can generally be downloaded onto mobile phones or other portable devices. The data images obtained therefore, cannot be considered secure. Dashcams fitted with a viewing screen which is activated whilst driving are already prohibited by law.

Mr Lawrie’s comment:

Prohibition of dashcam type devices is very much welcomed and encouraged, for many reasons as dictated by ICO / UKGDPR regulations as listed below:-

1. **All devices must be securely mounted** – dashcams are merely stuck to the windscreen using a sticky pad or suction cup and can be easily removed within a matter of seconds
2. **Data should be stored away from the camera head and protection from unauthorised removal** – see above regarding removal, in the case of dashcams, the data is stored on a self-contained SD card, which is simply pushed into the device, and therefore is extremely easy to remove.
3. **All data must be encrypted to a minimum standard of FIPS 140-2** – in the case of dashcams, whilst “some” may have a certain level of encryption, the playback software can be easily downloaded from the manufacturers websites, rendering the encryption useless.
4. **Devices must not record audio unless there is a visible and accessible “panic switch” to activate the audio only when justifiable** – in the case of most off the shelf dashcams, the audio is active as default, with no visible audio activation switch at all.

Having said all of the above, the presence of a monitor to display live images, is not actually prohibited by law, in fact the DVSA standards and criteria for rear view mirrors has actually been updated to allow for their use within MOT testing criteria for around 8 years now since the introduction and popularity of reversing cameras.

Introductory comments within the consultation document

3. Further, the Council also proposes to amend its existing Taxi Policy which relates to darkened rear windows in hackney carriage vehicles. We propose that hackney carriage vehicles which are new to licensing and have darkened rear windows can retain the said darkened windows on condition that they have an approved CCTV system fitted within the vehicle.

This proposal is intended to strike the balance between promoting the safety of the travelling public and ensuring that proprietors can enjoy a wide choice of vehicle they can present as new to hackney carriage licensing.

Mr Lawrie's comment:

We must admit, we do not like the suggestion here that CCTV must be installed in order to accept manufactured specification tinted windows, as we see it as an "either or" situation, both of which are at no small expense to vehicle owners; but we do see the logic being used, and the justification in order to substantiate a move away from existing tinted window restriction policies, but we would still encourage this to remain voluntary, with a focus more towards subsidising the cost on the grounds of safety, and the reduced burden on officer time.

Consultation questions:

QUESTIONS ON CCTV IN VEHICLES

Question 1 response:

Yes, it provides cost savings for drivers and council staff in the event of allegations, provides additional security, and evidence gathering in the event of any incidents.

Question 2 response:

No, we do not agree with mandatory as this places far too much of a cost burden onto an already financially stretched industry.

Question 3 response:

Yes, provided a strict criterion is observed, which rules out non-compliant devices such as dashcams which have the ability to record internally, even if that is only audio recording.

Question 4 response:

The data controller, which is the council where mandatory, or could be the vehicle owner in the case of voluntary (since even where voluntary, it may still be conditioned that the council is the data controller as is evidenced in Sheffield, Rochdale, Bury, Bolton, Wigan and various other regions) or could be a nominated third party or "authorised officer" which then effectively locks out the driver or vehicle owner from direct access to data, this way we can be sure that data access is completed correctly, with no concerns of unauthorised access.

Question 5 response:

It seems very vague, with very little detail or reasons given for the conditions, We will attach a more detailed criterion for you as has been approved by the ICO, and adopted by various local authorities including Herefordshire, York, Craven, Oxford, Cambridge, and various others, it is important right now that a national standard is adopted in order to simplify the approach throughout the country, not only for local authorities, but for vehicle owners and suppliers alike.

Question 6 response:

Not entirely sure the term appropriate is correct when introducing one condition, to replace another, since both are at a high cost, although we do agree that CCTV does far more to provide protection for drivers and passengers, than simply change a piece of glass could ever hope to achieve, the ability to see through a piece of glass will do nothing to calm down an angry passenger, nor will it provide any evidence in the event of a situation arising.

This is further reinforced by a freedom of information request that was sent to all police forces throughout the UK asking if the presence of darker glass in licensed vehicles had ever been considered to be a cause or contributing factor to any incidents that had taken place, the response was a resounding “no, it has never been considered to be a factor”.

This topic was recently covered in great detail within PHTM articles last year, which included the many reasons why manufacturers are now moving towards darker glass as standard, including passenger safety and comfort, links below.

<https://content.yudu.com/web/43sy4/0A43sy5/PHTMJULY2021/html/index.html?page=6&origin=reader>

<https://content.yudu.com/web/43sy4/0A43sy5/PHTMAUGUST2021/html/index.html?page=6&origin=reader>

Appraisal of comments by the Authority:

The Council is grateful for Mr Lawrie’s response and our appraisal of the consultation response is as follows:

Questions on air quality

Mr Lawrie has made no response to this section of the consultation.

Questions on electric & hybrid vehicle

Mr Lawrie has made no response to this section of the consultation.

Questions on wheelchair accessible vehicles

Mr Lawrie has made no response to this section of the consultation.

Questions on CCTV in vehicles

Mr Lawrie does not believe that there is a pressing need to require all licensed vehicles to fitted with CCTV. He does however support the fitting of CCTV as, he says, it provides cost savings for drivers and council staff in the event of allegations, provides additional security, and evidence gathering in the event of any incidents. This may be true however we agree with him that at a local level there seems to be little evidence that there is a compelling reason to mandate CCTV in our licensed vehicles.

We also agree with Mr Lawrie that it is appropriate for the Council to allow vehicle proprietors and drivers to decide for themselves if they wish to fit CCTV into their licensed vehicles. The decision as to who becomes the data controller is for the council to decide but there is a general consensus that this must be the Council if CCTV is mandated or the proprietor of the vehicle or a nominated 3rd party where the CCTV Is fitted voluntarily.

Mr Lawrie is the Director of the National Private Hire and Taxi Association and safe systems cctv ltd. He says that the CCTV specification given in the consultation document It seems very vague. The Council will work with other companies to ensure that the CCTV is robust and fit for use.

With respect to relaxing our current policy on darkened rear windows in HCV's where CCTV has been fitted Mr Lawrie is concerned that it may not be appropriate to introduce one condition, to replace another, since both are at a high cost. He does however contend that CCTV does far more to provide protection for drivers and passengers, than simply changing the window glass. The Council will carefully consider its response to this matter.

Questions on vehicles subject to insurance write off

Mr Lawrie has made no response to this section of the consultation.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from Mr Lawrie.

Please see the full consultation response document.

Signed:

Agreed:

Date:



CANNOCK CHASE COUNCIL
PROPOSED RESPONSE TO THE JUNE 2022 CONSULTATION
ON THE
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND
OPERATOR LICENSING POLICY

Note: The proposed Policy changes on vehicle emissions and the licensing of Electric and Hybrid vehicles may be subject to future review and change because of unforeseen circumstances which may affect the vehicle market.

1) Vehicle Emissions:

With effect from 1 April 2024, the Council proposes to stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas (LPG) internal combustion engines (ICE). Currently, there are 2 licensed vehicles which will be affected by this requirement. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

From 1 April 2025, until 31 March 2026, the Council proposes to accept renewal applications for the last time in connection with vehicles which are of the Euro 5 emissions standard and are powered solely powered by petrol, diesel or liquified petroleum gas internal combustion engines. This is because these vehicles do not meet the current Euro 6 emissions standard. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

There are approximately 70 licensed vehicles which will be affected by this requirement. This policy decision will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel. The above policy changes will mean that from April 2027, all ICE vehicles licensed by the Council will, as a minimum, meet the Euro 6 emissions standard.

From 1 April 2026, the Council proposes to stop the new to licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of ICE vehicles already licensed by the Council. Further, it will not affect the new to licensing or renewal licensing of electric vehicles, hybrid vehicles or those using hydrogen fuel.

On 31 March 2030, the Council proposes to stop the renewal licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

These changes are illustrated in the table below:

April 2024	Stop licensing Euro 4 vehicles
April 2025 to March 2026	Transition period to end licensing of Euro 5
April 2026	Stop licensing ICE vehicles presented for the 1 st time
April 2030	Stop licensing all vehicles only powered by ICE

2) The Licensing of Electric and Hybrid Vehicles:

Having considered the consultation responses, the Council proposes that:

- 1) With immediate effect, all Electric and Hybrid saloon type vehicles which are presented as new to licensing, will be no more than 7 years old. The Council will, however, rely on other aspects of their taxi policy to ensure that all such vehicles which are presented as new to licensing, are of a sufficiently high standard. These vehicles will be subject to 2 full taxi inspections per annum at the Council's Hawks Green Depot.
- 2) With immediate effect, all Electric and Hybrid wheelchair accessible type vehicles which are presented as new to licensing, will be no more than 10 years old. The Council will, however, rely on other aspects of their taxi policy to ensure that all such vehicles which new to licensing are of a sufficiently high standard. These vehicles will be subject to 3 full taxi inspections per annum at the Council's Hawks Green Depot.

3) Wheelchair Accessible Vehicles (WAV's) Licensed by CCDC

The consultation process resulted in a number of suggestions which might help increase the number of WAVs licensed by the Council. There is no single suggestion of particular note however, and the Licensing Unit will continue to consult with our licensed proprietors and operators with the aim of increasing the number of WAV's licensed by the Council.

4) CCTV and Dashcams in Licensed Vehicles

Having considered the consultation responses, the Council proposes to continue to supporting and encouraging the use of CCTV in licensed vehicles but does not consider that there is a compelling need to require the mandatory fitting of CCTV.

As a result, the Council will not be required to be the Data Controller for any licensed vehicle fitted with CCTV. Where CCTV is fitted into a licensed vehicle on a voluntary basis, the Proprietor of that vehicle will be the Data Controller.

What are the benefits of installing CCTV?

- There is no structural change to the vehicle,
- Lower insurance costs.
- Increased safety of both drivers and passengers; including lone women and vulnerable children.
- Images of alleged incidents will be properly captured and recorded.
- Efficiency savings would be increased in the event of the need for interviews, committee hearings, court appeals, and legal fees would be massively reduced.

Having considered the consultation responses on this matter the Council now proposes to separate the fitting of CCTV into licensed vehicles from the need to do so because the vehicles has darkened rear windows. It is proposed that these matters will be dealt with separately within the revised council policy.

Dashcams

The Council propose that dashcams will be permitted within licensed vehicles where:

- They are fitted so as to show the outside of the vehicle only.
- They are not capable of being turned round so as to show the interior of the vehicle.
- They do not have a screen which can be seen from within the vehicle.
- Vehicles carry an appropriate Dashcam warning sign.

5) Darkened rear windows:

The Council's current policy prohibits any vehicle with darkened rear windows from being licensed as a hackney carriage (HCV/Taxi). This policy requirement has been in place for many years and has been informally challenged by the trade on number of occasions.

As a result of this challenge, the Council decided to formally consult on the matter and several responders voiced clear opposition to the Council's current policy on darkened windows within licensed hackney carriages.

The current policy options available to anybody who wishes to license a vehicle with darkened rear windows are as follows:

- Replace the rear windows with standard (clear) glass and license the vehicle as a HCV (Taxi).
- License the vehicle as a Private Hire Vehicle (PHV) where no such darkened windows policy restriction currently exists.
- Ask for a referral to the Council's L&PPC for the consideration and determination of the matter as a of public safety issue.

The reason for the different requirements between taxis and private hire vehicles, is that unlike hackney carriages, PHVs must be pre-booked prior to the journey taking place.

This is a requirement of law and the Council places licence conditions on all private hire operator licences which ensures that licence holders record a significant amount of information about the passenger(s) who has booked a journey. This legal requirement helps to ensure that the public are kept safe and assists both the police and/or CCDC licensing officers should an investigation into alleged wrong doing by the driver or passenger(s) be necessary.

The rationale behind the current Council policy restriction on darkened windows in HCVs is to help ensure that the public can travel as safely as possible in so far as all passengers are clearly visible to the outside world and the number of passengers can be confirmed.

If rear windows are fitted with standard clear glass, passengers can be seen sitting comfortably and safely in their seats at all times and vulnerable passengers such as children and the elderly are not “hidden” behind darkened glass. Standard clear glass also helps protect the driver from being threatened or abused by angry or aggressive passengers. Although this may seem like a common sense approach, there is no empirical evidence that the fitting of clear or standard glass into vehicles does anything to improve public safety.

Things have also moved on and changed. In more recent years, even the most basic saloon cars are manufactured with darkened rear windows. As a result, finding replacement windows in order to comply with Council policy is more difficult than ever. Even where standard clear glass is available, those windows may need to be sourced abroad. This has a cost implication and can cause difficulty, delay and extra expense to the licence holder.

As this issue is now becoming more frequent and more problematic, some local authorities throughout the country now require the mandatory fitting of CCTV into licensed vehicles which have darkened rear windows. The argument is that this helps to ensure public safety because any complaints made to the Council’s Licensing Unit or to the Police, might be quickly and effectively dealt with by viewing the CCTV images and the culprit may then be readily identified.

In this way, any justified complaint of improper conduct by a licensed driver can be readily dealt with by watching CCTV images and that driver can then be dealt with swiftly and appropriately. Equally, if a licensed driver can be seen to have acted in a proper manner, any allegation of misconduct can be dismissed and the unjustified complaint can be dealt with accordingly.

With this in mind, the Licensing Unit has, on a trial basis for the last 12 months, offered vehicle licence holders a choice. The choice was to replace darkened rear windows with standard glass in vehicles which were new to licensing, or, to fit CCTV to the newly licensed vehicle.

Within that trial period, 50% of the licence holders chose to fit CCTV into their newly licensed vehicle and 50% chose to replace the windows. Changing the windows was generally considered the slightly cheaper option. It should be noted however, that the fitting of CCTV into the vehicle may be a better longer-term, cost-effective option as CCTV systems can last for many years and can be moved from one vehicle to another.

The trial period led officers to the conclusion that it would now be prudent to consider removing the current policy restriction on darkened windows in hackney carriages.

In light of the consultation response from the local trade and the National Private Hire and Taxi Association and others, officers are persuaded that:

- More and more newly manufactured vehicles are now fitted with darkened rear windows as standard, and the replacement of the darkened glass has additional legal and cost implications to licence holders.
- Replacing rear windows potentially interferes with the vehicle’s construction and use. This could void the vehicle warranty, and insurance since the vehicle is no longer within manufacturer specifications.

- The current Council policy potentially restricts the choice of vehicles available for purchase to the local Taxi and PH trade.
- Darkened rear windows reduce harmful UV rays and the levels of light entering the vehicle. This can improve the passenger experience.
- Reduction of the amount of sunlight passing through rear windows reduces the heat within the vehicle. This can reduce the need to use air conditioning which helps improve fuel economy. This, in turn reduces vehicle emissions and assists with achieving carbon neutrality within the Taxi and PH trade.
- Although it may seem obvious that being able to see passengers sitting inside a vehicle is safer than not being able to see them, there is no empirical evidence available that supports the contention that darkened windows actually compromise public safety. UK Police forces do not generally record darkened windows as a factor in their investigations. As a consequence of this, if we continue with our current policy on darkened windows, the Council may be open to challenge through the courts on the grounds that our existing policy condition on darkened windows is not “reasonably necessary”. All such Taxi and PH licence conditions of licence are required to be so by law.
- Should the Council continue with its current policy, taxi proprietors may decide to license their vehicles with another, perhaps nearby local authority whose policy and fees for the licensing of vehicles may be less robust and cheaper than our own. The possibility then exists that those vehicles would return to the Cannock Chase area and work here on a lawful cross border basis. This would mean a loss of revenue for this Council and a loss of control over the vehicle licence.

The Government’s Department for Transport (DfT) in its document: *Taxi and private hire vehicle: best practice guidance to assist licensing authorities*, states that only about a quarter of all licensing authorities have restrictions on tinted windows in HCVs. They indicated that best practice for licensing authorities is not to restrict the use of darkened windows in licensed vehicles.

The Government Department for Business Innovation & Skills in its *Regulators Code*, sets out 6 principles by which regulators like the Council, should set out its regulatory framework. Two of those principles are directly relevant to our current policy on darkened rear windows in HCV’s. These are:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
- Regulators should base their regulatory activities on risk.

Council policy should still prevent the licensing of any vehicle fitted with darkened windows which were not present at the time of manufacture. The fitting of aftermarket window tints and dark films will not be permitted.

6) Vehicles subject to Insurance write off

Having considered all of the consultation responses, the Council proposes to permit the licensing of Category S and N vehicles where it is safe to do so. All such vehicles must have documented confirmation of the extent of the damage and the necessary repair.

The vehicle will also be subject to a full taxi inspection at the Council's Hawks Green Depot.

All such vehicles must comply with all other aspects of the Council's Policy.

- Category S vehicles have some structural damage but are repairable.
- Category N vehicles have non-structural damage which are repairable.

All S and N category vehicles intended for licensing with this authority must comply with all detailed aspects and requirements of the Council's Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy. This includes any new to licensing age restriction and road traffic collision requirements on notification and inspection.

**CHANGES TO THE CANNOCK CHASE DISTRICT COUNCIL HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE & OPERATOR LICENSING POLICY
2023**

AMENDMENTS TO EXISTING POLICY	REASON
The transfer of a vehicle from one proprietor to another may only take place if the said vehicle has a valid licence at time of the transfer.	For clarification and the avoidance of doubt.
From 1 April 2024, replacement part worn tyres shall not be fitted on licensed vehicles This includes any spare tyre contained within the vehicle.	The continual improvement of vehicle quality and In order to ensure public safety. The Council has employed a phased approach to improving the quality of tyres used on licensed vehicles.
Any driver who has had their licence suspended for public safety or road safety reasons will have their details recorded on the NAFN National Register of Refusals and Revocations (NR3).	To comply with new legislation. This is in addition to the existing requirement to record drivers who have been refused a licence or had their licence revoked by this authority.
Licensed drivers are not expected to be trained in the use of the fire extinguisher or first aid kit which are carried within licensed vehicles.	For Policy clarification.
Any dishonesty by any applicant or other person on the applicant's behalf which is discovered during any part of the Hackney Carriage/Private Hire Drivers' Licence application or renewal process will result in the licence being refused.	For clarification of Council Policy and the avoidance of doubt. This is in response to a number of recent issues of this nature being experience by the Council's Licensing Unit.
The Council will permit the licensing of Category S and N vehicles where it is safe to do so. All such vehicles must comply with all other aspects of the Council's Policy and subject to a full inspection at the Council's Hawks Green Depot.	New policy requirement for policy clarification.
Upon arrival at their pickup point, licensed drivers must strike a balance between ensuring that customers are given a reasonable period time to acknowledge their arrival and get into the waiting vehicle, and dealing with the realisation that the passenger will not appear.	For clarification of Council expectations
With immediate effect, all Electric and Hybrid saloon type vehicles which are presented as new to licensing, may be no more than 7 years old.	In order to contribute towards the Council's vision on air quality and carbon neutrality.
With immediate effect, all Electric and Hybrid wheelchair accessible type vehicle s which are presented as new to licensing, may be no more than 10 years old.	In order to contribute towards the Council's vision on air quality and carbon neutrality.

AMENDMENTS TO EXISTING POLICY	REASON
On 1 April 2024, the Council will stop licensing Euro 4, non-electric or hybrid vehicles powered only by an internal combustion engine (ICE).	In order to contribute towards the Council's vision on air quality and carbon neutrality.
Between 1 April 2025 and 31 March 2026, the Council will accept renewal applications for the last time in respect of Euro 5, non-electric or hybrid vehicles powered only by an internal combustion engine (ICE).	In order to contribute towards the Council's vision on air quality and carbon neutrality.
On 1 April 2026, the Council will stop licensing non- hybrid vehicles powered only by an internal combustion engine (ICE) and which are not already licensed by the Council before that date.	In order to contribute towards the Council's vision on air quality and carbon neutrality.
On 1 April 2030 the Council will stop licensing all vehicles which are only powered by an internal combustion engine (ICE). This does not include hybrid vehicles.	In order to contribute towards the Council's vision on air quality and carbon neutrality.
Within 24 hrs of the incident occurring, drivers must report to the Council's Licensing Unit any injury suffered by any of their passengers or any other person associated with any journey to whom the driver has a duty of care.	In response to complaints received by the Licensing Unit and for clarification and the avoidance of doubt.
Licensed drivers who are banned from driving by the Courts for 55 days or less, will not have their licence application considered by the Council until at least 3 months have passed since the expiry of their ban.	In response to a change in the law and the manner in which the Magistrates' Courts are dealing with some offences.
Licensed drivers who are banned from driving by the Courts for 56 days or more, will not have their licence application considered until at least 6 months have passed since the expiry of their ban.	In response to a change in the law and the manner in which the Magistrates' Courts are dealing with some offences.
Proprietors or owners of licensed vehicles which are under suspension following a collision and are due for renewal, will be given reasonable time to renew their licence on the proviso that a completed application to renew the licence has been received by the Licensing Unit prior to the vehicle licence expiry.	For clarification of Council Policy.



CCTV & DASHCAM POLICY
FOR LICENSED HACKNEY CARRIAGE
& PRIVATE HIRE VEHICLES

Contents

1	Scope of the Policy	Page 2
2	Purpose of the Policy	Page 2
3	Legality	Page 2
4	Compliance, Regulation and Complaints	Page 3
5	Data Controller	Page 3
6	Third Party Data Processors	Page 3
7	Audio Recording	Page 4
8	Signage and Advertising of CCTV	Page 4
9	Storage of Data and Retention	Page 4
10	Sharing of Data	Page 5
11	Summary of CCTV Requirements	Page 5
12	Dashcams	Page 6

1. Scope of the Policy

This policy relates to surveillance cameras, also known as Closed Circuit Television (CCTV), which have been installed within Cannock Chase District Council's licensed Hackney Carriages and Private Hire Vehicles. External facing cameras, known as Dashcams are also dealt with within this policy.

The owners and proprietors of vehicles licensed by Cannock Chase District Council are encouraged to voluntarily install CCTV into their vehicles, subject to adherence with this policy throughout the duration of the proprietor's licence.

There is no mandatory requirement to install CCTV into any licensed vehicle, however, where CCTV equipment is fitted, the system will form part of the Council's supplementary test at the Hawks Green Depot.

Licence holders are advised that some school transport contracts may preclude the installation of CCTV within their vehicle and that they should engage with their contract manager prior to purchasing a CCTV system.

2. Purpose of the Policy

The purpose of this policy is to facilitate the use of surveillance cameras in order to protect drivers and passengers, whilst ensuring licence holders respect the privacy of travelling passengers and other members of the public.

CCTV will protect licensed drivers and their passengers by helping to inform police and Council investigations and ensuring that visible surveillance cameras deter individuals from committing a crime. Further, vehicle occupants will feel reassured that crimes and malicious complaints are less likely to occur in an environment protected by surveillance cameras.

Where CCTV is fitted into a licensed vehicle, it should not be disabled without good reason. Where CCTV is fitted but not in operation, the licence holder may be asked to formally justify the reasons for turning off the CCTV. The Information Commissioners Office (ICO) code of practice can be found here: <https://ico.org.uk/>

3. Legality

Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and UK GDPR. The ICO is the UK regulator for all matters relating to the use of personal data.

CCTV equipment must be fitted by a qualified installer and must not interfere with any other safety, control, electrical computer, navigation, satellite or radio systems within the vehicle. It must also comply with the Motor Vehicle (Construction and Use) Regulations 1986. CCTV equipment must not obscure the driver's view of the road.

4. Compliance, Regulation and Complaints

The Surveillance Camera Commissioner (SCC) works to encourage compliance with the 'Surveillance camera code of practice'.

The ICO is the regulatory body responsible for enforcing compliance with privacy and data protection legislation. Licence holders must comply with any relevant guidance issued by the SCC and ICO.

If a passenger or any other individual wants to request CCTV footage relating to themselves, they should make a Subject Access Request (SAR) to the Data Controller detailed on the signage in the vehicle. Signage is covered in greater detail in this document, under the section 'Signage and Advising of CCTV'. Information on how to make a valid SAR is available at <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

If a passenger has an issue with their taxi journey relating to the use of CCTV they should contact the Data Controller, in the first instance, using the details displayed on the CCTV signage within the vehicle.

If the Data Controller fails to resolve the issue, the complainant may escalate this to the ICO at <https://ico.org.uk/make-a-complaint/>

5. Data Controller

The ICO defines a 'Data Controller' as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.

For the purpose of the installation and operation of in-vehicle CCTV, the Data Controller is the vehicle licence holder. The licence holder must be registered with the ICO and must evidence continuous registration throughout the currency of the licence.

The data controller is responsible for the use of all images captured by the CCTV equipment. This includes any breaches of legislation or unlawful release of images.

6. Third Party Data Processors

A Data Processor, in relation to personal data, means any person (other than an employee of the Data Controller) who processes data on behalf of the Data Controller, in response to specific instructions. Where a service provider is authorised for the remote storage and/or management of CCTV data, they will act as a 'Data Processor'.

There must be a formal written contract between the Data Controller and Data Processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

The data controller will remain responsible for the actions of the third party data processor.

7. Audio Recording

Audio recording within its licensed vehicles cannot be justified as a proportionate solution in preventing crime. Licence holders should choose a system without the audio recording facility where possible. Any system with an independent sound recording facility must have audio recording turned off or disabled in some other way and it should only be engaged by means of a panic button or similar mechanism.

8. Signage and Advising of CCTV

Any vehicle fitted with CCTV must display clearly visible and readable signage informing passengers that such a system is fitted. This signage must be displayed so as to minimise obstruction but must be visible before and after entering the vehicle. At a minimum, this will be a double-sided sticker in the window on the left and right sides of the vehicle.

The signage must contain:

- The purpose for using the surveillance system, “in the interests of public safety, crime detection and crime prevention”.
- The name and contact number of the Data Controller, which should be the vehicle licence holder. Cannock Chase District Council is not the Data Controller.
- The Data Controller’s ICO Registration Number.

The driver should verbally advise passengers that CCTV is in operation where it may be necessary to do so, for instance, where the passenger is visually impaired.

9. Data Storage and Retention

Data must be handled securely in a way that ensures appropriate security. This includes using appropriate technical or organisational measures to protect against unauthorised or unlawful processing, accidental loss, destruction or damage,

CCTV footage must be encrypted and password protected in order to prevent access to unauthorised individuals.

Data should delete after 31 days, unless it has been legitimately shared, in which case it should be deleted when appropriate on the conclusion of the request. The same policy requirements exists for any audio data which might be recorded.

Digital screens within the vehicle for the purposes of viewing footage are prohibited.

10. Sharing Data

The licence holder must comply with valid information requests, in consideration of The Data Protection Act (2018) and UK General Data Protection Regulations (UK GDPR).

Data must be shared securely and requests must be fulfilled without charge.

Data must only be shared where there is a valid lawful reason, for example:

- a) where a crime report has been made involving the specific vehicle and the Police have formally requested that data.
- b) when a substantive complaint has been made to the licensing authority regarding a specific vehicle/driver and that complaint is evidenced in writing (and cannot be resolved in any other way).
- c) where a data request is received from an applicant e.g. police or social services, that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- d) a Subject Access Request (SAR) compliant with the UK GDPR. The DPA gives individuals the right to see information held about them, including CCTV images of them. More information on the Data Controller's responsibilities relating to SARs is available at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

This list is not exhaustive; it is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law.

The uploading of footage to social media does not have a lawful basis. Where licence holders' share images unlawfully, they will be liable to criminal prosecution. The unlawful sharing of images is a breach of UK Data Protection law and will be considered a breach of policy. As a result, formal action may also be considered by the Council's Licensing Unit.

11. Summary of CCTV Requirements

1. Licence holders must comply with any relevant guidance issued by the Surveillance Camera Commissioner and Information Commissioner's Office.
2. The vehicle proprietor must be registered with the Information Commissioner's Office and be able to evidence continuous registration throughout the lifetime of the licence.
3. Clearly visible and legible signage advising of the system and the Data Controller's contact details, including ICO registration number, must be displayed in the vehicle.

4. Internal cameras must be capable of covering all of the passenger seats. This may require more than one camera in higher capacity vehicles.
5. The system must not obscure the driver's view of the road through the windscreen.
6. The system must not record audio unless by use of a panic button or similar emergency mechanism.
7. Data must be stored securely and only shared with it is lawful to do so. Access controls must be in place to prevent unauthorised access.

A vehicle licence may be refused, suspended or revoked where the CCTV system does not comply with this policy

12. Dashcams

Dashcams will be permitted within licensed vehicles where:

- They are fitted so as to show the outside of the vehicle only.
- They are not capable of being turned round so as to record images from the interior of the vehicle
- They do not have screen which can be seen from within the vehicle
- Vehicles carry an appropriate Dashcam warning sign

Contact details:

Licensing Unit
Cannock Chase District Council
PO Box 28,
Beecroft Road
Cannock
Staffordshire
WS11 1BG

Phone: 01543 462621

Email: Licensingunit@cannockchasedc.gov.uk



CANNOCK CHASE DISTRICT COUNCIL

HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE & OPERATOR LICENSING POLICY

CONSULTATION DOCUMENT - SPRING 2022

INTRODUCTION

In June 2021, Cannock Chase Council “the Council” introduced a revised Hackney Carriage/ Private Hire Driver, Vehicle and Operator Licensing Policy. As well as introducing several new matters into the policy such as Statutory Standards and Guidance on suitability of applicants and licensees in the hackney carriage and private hire trades, the revised taxi policy document also committed the Council to a further policy consultation.

This June 2022 consultation, is intended to fulfil that commitment and relates to five matters with respect to its licensed hackney carriage and private hire fleet of vehicles. These are:

- Air quality
- Electric and hybrid vehicles
- Wheelchair accessible vehicles (WAV's)
- CCTV in licensed vehicles
- Vehicles which have been written off by Insurers but have been purchased or are intended to be purchased with the intention of licensing with this authority.

This consultation document invites responses from all parties who might have an interest in the taxi licence trade. The taxi trade will be specifically consulted on the proposed changes to policy but other interested parties will also be consulted

These include:

- The taxi and private hire trades
- Licensed premises
- The general public
- The travelling public who use licensed vehicles
- Individuals and groups who represent less able passengers
- Staffordshire Police
- Elected members of the Council

- Cannock Chase Council departments and officers
- Other Staffordshire licensing authorities

THE CONSULTATION PROCESS

This consultation period starts on 16 June 2022 and will run until midnight on 10 July 2022. Please ensure that your response reaches us before the closing date.

Please send consultation responses to: Licensingunit@cannockchasedc.gov.uk

Or: Licensing Unit, Cannock Chase District Council, PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG. Phone: 01543 462621

If you wish to respond to our consultation, we must ask you to provide your name and email address when responding.

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

The Council will consult with a wide variety of partners and interested parties as well as the general public. This will include consultation with representatives of the taxi and private hire trade and the Council's Hackney Carriage/Private Hire Liaison Group.

This draft consultation policy will be clearly signposted on the Council's website. It is intended that this policy will come into force in the Autumn of 2022. Once it is adopted by full Council, it will be available for inspection on the Council's website at: www.cannockchasedc.gov.uk

THE CONSULTATION

1. AIR QUALITY

A key objective of the Council's Taxi Policy is to improve air quality. The current taxi policy requires that any vehicle which is presented as new to licensing will be no older than 42 months. By doing so, we help ensure that all such vehicles will be Euro 6 emissions compliant and the general standard of the fleet, in terms of vehicle safety and emissions, is improved through the gradual policy requirement process.

In July 2019, the Council declared a Climate Emergency, which committed the Council to a vision of carbon neutrality by 2030. The Council is therefore keen to improve the quality of the fleet even further.

Current taxi policy requires that vehicles which are new to licensing must be:

1. No more than 3.5 years old (42 months) for the all saloon vehicles
2. No more than 7 years old (84 months) for wheelchair accessible vehicles (WAV's)

Views are now sought on the date at which the Council will no longer license vehicles which are new to licensing, if they are propelled only by an internal combustion engine (ICE) fuelled by petrol, diesel or other fossil fuels.

The Council proposes that:

- On and after 1st April 2024, any non-hybrid vehicle with an ICE which is not Euro 6 compliant will not be re-licensed.
- On and after 1st April 2026, only the following vehicles will be considered for new to licensing.
 - Hybrid Electric Vehicle (HEV)
 - Plug-in Hybrid Electric Vehicle (PHEV)
 - Electric Vehicle (EV)
- On and after 1st April 2029, all existing licensed non hybrid vehicles with an ICE will be re-licensed for the last time. All licences for non-hybrid vehicles with an ICE issued on or after 1st April 2029 will expire on 30th April 2030.

This will mean that some vehicle licences will be granted for a period which may be less than 12 months.

Note: The proposed timescales above may be subject to later review.

2. ELECTRIC AND HYBRID VEHICLES

The licensing of electric and hybrid vehicles will play a vital role in helping to ensure that the Council meets its air quality objective and its vision of carbon neutrality by 2030.

Current policy requires that vehicles (ICE) which are new to licensing must be:

- No more than 3.5 years old (42 months) for the all saloon vehicles
- No more than 7 years old (84 months) for Wheelchair Accessible Vehicles WAV's

The Council proposes that:

1. **Saloon vehicles of the types below, must be no more than 5 years old (60 months) when presented as new to licensing.**
 - Hybrid Electric Vehicles (HEV)
 - Plug-in Hybrid Electric Vehicle (PHEV)
 - Electric Vehicles (EV)
2. **Wheelchair accessible vehicles (WAV's) must be no more than 10 years old (120 months) when presented as new to licensing.**
 - Hybrid Electric Vehicles (HEV)
 - Plug-in Hybrid Electric Vehicle (PHEV)
 - Electric Vehicles (EV)

Note: The Council recognises that 10 year old vehicles of this type may not be readily available at the present time. Our intention however, is to future proof the Council's Taxi Policy as we move towards 2030.

3. WHEELCHAIR ACCESSIBLE VEHICLES (WAV'S)

Please note: you should read this section in association with Section 1 of the consultation document on Air Quality and Section 2 of the consultation document on Electric and Hybrid vehicles.

The consultation proposals in Sections 1 & 2 are relevant to this section on WAV's.

Although the current council policy encourages the licensing of WAV's by permitting these vehicles to be older than saloon type vehicles when they are new to licensing; currently 7 years as opposed to 3.5 years for saloon vehicles, the number of WAV's licensed by the Council has been steadily reducing over recent years. This has an adverse impact on the offer we as a licensing authority can make to our travelling public in general and wheelchair users in particular.

Many licensing authorities will only licence a vehicle as a HCV if it is a WAV. This means saloon cars will be licensed as private hire vehicles which may only be pre-booked and are not accessible from taxi ranks. Private hire journeys will be agreed and paid for in advance and pick-ups will be at a pre-arranged time and place.

Although it is well understood that WAV's are not necessarily the preferred type of vehicle for all less able people, WAV's remain an important part of our licensed vehicle fleet.

4. CCTV IN LICENSED VEHICLES

1. CCTV Systems in licensed vehicles are used to prevent and detect crime as well as reduce the fear of crime and protect the driver and the public travelling public

CCTV systems can capture important evidence which can act as an additional safeguard. This provides protection confidence and re-assurance to the public as well as to drivers who can be victims of violence, abuse. CCTV evidence can also prevent drivers losing their licence if an accusation against them is proven to be false.

In considering how to approach the issue of CCTV in its fleet of licensed vehicles, the Council must have regard to the Surveillance Camera Commissioners (SCC) guidance on the matter. This document requires that the use of surveillance camera systems in licensed vehicles must always be for a specific purpose which is the pursuit of a legitimate aim and necessary to meet an identified pressing need.

The SCC is clear that there must be strong justification for making CCTV mandatory within licensed vehicles and the Council clearly acknowledges this.

The SCC Guidance can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1035067/Surveillance_Camera_CoP_Accessible_PDF.pdf

As part of the Council's broader work to strengthen safeguarding measures within the licensed taxi and private hire trades, the Council is consulting on whether or not the use of CCTV in licensed vehicles should be compulsory.

If the Council's approach is to make CCTV in vehicles compulsory, then the data controller for all CCTV equipment in all of our licensed vehicles may need be a council officer.

If our approach is to permit vehicle licence holders and drivers to make their own decision as to whether they fit CCTV into their vehicles, then the vehicle licence holder or a nominated third party may be the data controller.

2. The Council is also consulting on the prohibition of dashcam type equipment within licensed vehicles unless that dashcam equipment meets the same requirements as the specifications for CCTV.

This is considered necessary because many dashcams which are currently fitted within our licensed vehicles are capable of making recordings of the inside of the vehicle and the visual data recorded can generally be downloaded onto mobile phones or other portable devices. The data images obtained therefore, cannot be considered secure. Dashcams fitted with a viewing screen which is activated whilst driving are already prohibited by law.

3. Further, the Council also proposes to amend its existing Taxi Policy which relates to darkened rear windows in hackney carriage vehicles. We propose that hackney carriage vehicles which are new to licensing and have darkened rear windows can retain the said darkened windows on condition that they have an approved CCTV system fitted within the vehicle.

This proposal is intended to strike the balance between promoting the safety of the travelling public and ensuring that proprietors can enjoy a wide choice of vehicle they can present as new to hackney carriage licensing.

5. VEHICLES SUBJECT TO INSURANCE WRITE OFF

This section of the document is intended for vehicles which have been written off by the Insurance Company but have been purchased by prospective Proprietors and are intended for licensing with the Council.

The categories of vehicles which have been written off are: A, B, S and N.

- Category A

Scrap only. For cars so badly damaged they should be crushed and never re-appear on the road. Even salvageable parts must be destroyed.

- Category B

Body shell should be crushed. Signifies extensive damage, although some parts are salvageable. Should never re-appear on the road, although reclaimed parts can be used in other road-going vehicles.

- Category S (formerly Category C)

Category S means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash. Category S damage is more than just cosmetic and therefore, the vehicle will need to be professionally repaired. Also, it won't be safe to drive until then.

- Category N (formerly Category D)

Vehicles graded accordingly haven't sustained structural damage, so the issue may be cosmetic, or a problem with the electrics that isn't economical to repair.

Such vehicles may not be drivable, however; non-structural faults may include brakes, steering or other safety-related parts.

Insurance write-offs rated A and B are not suitable for repair and will never be accepted for licensing purposes.

It is, however, quite legal for category S and N vehicles (formerly C and D category vehicles) to be properly repaired and sold on or sold back to the owner, provided that the buyer is informed of the car's history.

In light of the above, the Council proposes to permit the licensing of Category S and N vehicles if the vehicle complies with all other aspects of the Council's Policy.

Where it is intended to licence such a vehicle, prior agreement should be sought from the Licensing Unit before any decision is made to purchase a vehicle which falls into any of the above categories.

All vehicles which are intended for licensing with this authority must comply with the vehicle requirements as detailed within the Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy. This includes the new to licensing age restriction and road traffic collision requirements on notification and inspection.

Once it has agreed that a category S or N vehicle can be presented for licensing with this authority, written evidence must be provided to the Licensing Unit that the vehicle is safe. Such evidence must include a written damage and repair engineers report from the insurance company or its agent and must be provided to the Licensing Unit before the vehicle is inspected and tested.

The vehicle will then need to be fully inspected and tested at the Council's Hawks Green Depot. The proprietor or prospective proprietor of the vehicle must also supply the Depot Workshop Supervisor with a copy of the full collision damage and repair report which highlights the damaged and repaired area(s).

THE CONSULTATION QUESTIONS

QUESTIONS ON AIR QUALITY

1. In light of the Council's commitments to air quality and carbon neutrality by 2030, is it reasonable for the council to stop licensing non-hybrid ICE vehicles which are not Euro 6 compliant after 1st April 2024?

If you do not agree, please explain why.

2. In light of the Council's commitments to air quality and carbon neutrality by 2030, is it reasonable to stop the new to licensing of all non-hybrid ICE petrol, diesel and other fossil fuel driven vehicles on and after 1st April 2026?

This will mean that after 1st April 2026, only the following vehicles will be considered as new to licensing:

- Hybrid Electric Vehicle (HEV)
- Plug-in Hybrid Electric Vehicle (PHEV)
- Electric Vehicle (EV)

If you do not agree, please explain why.

3. In light of the Council's commitments to air quality and carbon neutrality by 2030, is it reasonable for all non-hybrid ICE vehicles to be re-licensed for the last time in April 2029 and for all such vehicle licences to expire on 30th April 2030?

Please give reasons for your answer.

QUESTIONS ON ELECTRIC AND HYBRID VEHICLE:

1. In light of the Council's commitment to air quality and carbon neutrality by 2030, is it reasonable for saloon type HEV's PHEV's or EV's to be no more than 5 years old when they are presented as new to licensing?

Please give reasons for your answer.

2. In light of the Council's commitment to air quality and carbon neutrality by 2030, is it reasonable for WAV's which are HEV's PHEV's or EV's to be no more than 10 years old when they are presented as new to licensing?

Please give reasons for your answer.

3. Do you think that the proposal for WAV's which are HEV's PHEV's or EV's to be no more than 10 years old when they are presented as new to licensing will help increase the number of WAV licensed by the Council?

Please give reasons for your answer

4. Do you have any comments or any other reasonable proposals relating to the licensing of vehicles, which we might consider in helping to meet our vision of carbon neutrality by 2030.

QUESTIONS ON WHEELCHAIR ACCESSIBLE VEHICLES

The Council has no specific proposals on this matter but seeks views on how best to increase the numbers of WAV's within our licensed vehicle fleet.

1. Do you think it is appropriate for the Council to license vehicles as a HCV only if it is a WAV?

Please give reasons for your answer

2. In your opinion, how do you think the Council can increase the number of WAV's it currently licenses?

QUESTIONS ON CCTV IN VEHICLES

In responding to this consultation you should note that an approved CCTV fitted within a licensed vehicle may cost approximately £600.

1. Is there an identified pressing need and a legitimate aim in requiring all licensed vehicles to fitted with CCTV?

Please give reasons for your answer.

2. With regards to the answer you have given above, do you think that the Council's approach should be to make CCTV mandatory in all of our licensed vehicles?

Please give reasons for your answer.

3. Do you think it is appropriate for the Council to allow vehicle proprietors and drivers to decide for themselves if they wish to fit CCTV into their licensed vehicles?

Please give reasons for your answer.

4. Where CCTV is fitted into a licensed vehicle, who should ensure that the captured data images are secure, properly protected and appropriately downloaded when necessary?

Please give reasons for your answer.

5. Is the CCTV specification attached to this consultation document at Annex 1 appropriate for a CCTV system which is to be fitted into vehicles licensed by the Council?

Please give reasons for your answer.

6. Is it appropriate to relax the current taxi policy requirement on darkened rear windows in HCV's where CCTV has been fitted to the licensed vehicle?

Please give reasons for your answer.

QUESTIONS ON VEHICLES SUBJECT TO INSURANCE WRITE OFF

1. In accordance with the consultation proposals, is it appropriate for the Council to licence or re-licence Category S and N vehicles which have been written off by an Insurance Company?

Please give reasons for your answer.

CONFIDENTIALITY AND DATA PROTECTION

The Council's Licensing Unit is carrying out this consultation to gather views and evidence on measures for inclusion within our Hackney Carriage/Private Hire Driver, Vehicle and Operator Licensing Policy.

As part of this consultation we are asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

Please tell us if you do not want details of your response to be made public or if there are any restrictions on the use of information submitted, with an explanation of why it should be kept confidential. We will take your reasons into account, but you should be aware that there may be circumstances in which we will be required to disclose this information to third parties on request.

This is in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations. Please note, if your computer automatically includes a confidentiality disclaimer, this will not be treated as a confidential request.

We may contract a 3rd party to analyse the responses we receive to the consultation. If you provide your contact details, we may share this information with a contractor in case they need to contact you regarding your consultation response.

The Council's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Information Manager.

CONSULTATION PRINCIPLES

The consultation is being conducted in line with the Government's key consultation principles, further information is available at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact the Council's Licensing Unit on licensingunit@cannockchasedc.gov.uk

PROPOSED TECHNICAL SPECIFICATIONS FOR CCTV

Video

- Two cameras as standard.
- Image Compression.
- 960p Video Quality.

Audio

- Panic button activated multi-zone audio recording.

Communication Ports

- USB - 1 port for USB 2.0, download video files & upgrade firmware.

Wireless Communication

- 3G/4G - Supported.
- Wi-Fi - Internal Wi-Fi 802.11b/g/n/ac optional.

GPS

- Internal GPS module. Real-time geographic coordinates, speed information.

G-Sensor

- Internal G-sensor - Supports 3 Axis Motion Detection with user set ranges, for X, Y and Z coordinates.

Storage

- 30 days of recording footage (for standard system).
- Audio Bit Rate - 40Kbps.
- Storage - 1 SSD and 1 SD card.

Software

- A/V, GPS, Map view, Speed, G-Sensor, etc. files available for playback on PC.
- Software upgrade - Upgrade through the front USB2.0.

Voltage Input

- +8V~+36V

ACC Detection

- $\leq 4V \geq 6V$

Operational Temperature

- $-25^{\circ}\text{C} \sim 80^{\circ}\text{C}$

Dimensions

- 146 x 155 x 38mm MDVR Box Dimensions
- 96 x 75 x 48mm Camera Dimensions

Please note: These dimensions may vary according to the system being installed.