

# Taxi and private hire

Autumn 2018 newsletter



**Welcome** to our latest taxi and private hire newsletter.

Please take a few minutes to read through to keep up-to-date with taxi and private hire matters. We welcome your feedback so please return the feedback form at the end of the newsletter or email the licensing team at [licensing@basingstoke.gov.uk](mailto:licensing@basingstoke.gov.uk) if you would like to make any comments.

## Revised taxi policy

A new Hackney Carriage and Private Hire policy was approved by Full Council at a meeting in July 2018 and took effect from September 1 2018. This followed a review of the existing licensing provisions and a 12-week consultation exercise between November 2017 and March 2018.

***Cont on pg 1***

### Inside this issue

[www.basingstoke.gov.uk](http://www.basingstoke.gov.uk)

New taxi and private hire policy | Praise | Enforcement update | Fares  
CCTV in licensed vehicles | Licence renewals | Medical updates  
Vehicle break-ins | Photocard licences | Safeguarding  
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## Revised taxi policy

*Cont from front page.*

Many areas of the policy have changed in ways that will affect you and licensing application procedures so please read carefully. Licensed drivers have a duty to know the licensing controls they work under.

Changes were made following a benchmarking exercise and to take account of advances made as a result of new technology and licensing laws. The policy represents a one-stop document including local licensing requirements.

We believe the policy enhances local licensing standards and supports the trade. Elements of the previous policy had become outdated and were in need of modernisation.

The new approach to considering applicants with relevant convictions is largely based on the guidance published by the Institute of Licensing earlier this year which was created to assist local authorities in making decisions about the suitability of applicants and licensees. The guidance was produced in partnership with the Local Government Association, the National Association of Licensing Enforcement Officers and Lawyers in Local Government.

We anticipate the guidance will be widely used by almost all local authorities as a basis for local policies to achieve greater consistency so that applicants are less able to 'shop around' between authorities. We are looking to join the new national register of drivers which aims to prevent drivers revoked or suspended by one authority being relicensed in another.

The majority of applicants and licensees are professional, hard-working people who understand the priority of public safety and safeguarding vulnerable people. The new policy makes it easier for those applicants and harder for applicants who want to abuse their position of trust.

The new policy can be seen in full at [www.basingstoke.gov.uk/licensing](http://www.basingstoke.gov.uk/licensing)

Here is a summary of some of the main changes:

### **Drivers are now required to register for a DBS update service**

This provides a more efficient administrative approach to checking applicants' criminal record history saving you time and money.

### **Updated guidelines on relevance of convictions, cautions see page 2.**

### **Vehicle advertising policy**

This clarifies accepted advertising on licensed vehicles.

### **HCV intended use**

This confirms the council's approach to ensuring taxis we licence are used mainly within the controlled district and not to undertake private hire bookings elsewhere.

### **Removal of direct seating access**

This allows multi-purpose vehicles and minibus-style vehicles to be licensed with no need to change their seating layout or capacity.

### **Introduction of upper vehicle age limits**

To reduce pollution caused by older vehicles in order to improve local air quality and maintain and improve the safety standard of licensed vehicles.

### **Revised vehicle testing frequencies**

To align with the Department of Transport's best practice guidance and to align with other local authority testing frequencies.

### **Removal of designated vehicle type list**

To be replaced by a defined vehicle type approval. This allows drivers greater choice in makes and models of vehicles.

### **Temporary vehicle licence term**

To save the need to extend temporary vehicle licence terms.

### **Removal of minimum engine capacity**

To allow more efficient vehicle types to be licensed including hybrid and electric vehicles.

### **Review of licence conditions**

To add or modify conditions and remove irrelevant or out-of-date conditions.

### **Dress and conduct codes**

To ensure that all drivers are smart and appropriately dressed and conduct themselves in a professional manner.

### **Prohibition on use of substitute smoking devices**

This includes vaping devices.

# Praise for licensees

It's human nature that people are more likely to complain when they receive bad service rather than pass on compliments when they receive good service. We know the licensed trade generally provide a first-class service and we are always pleased to receive compliments about licensees which recognise their efforts and are happy to share these.

**Below are extracts from the compliments we have received since our last newsletter:**

A customer left a wallet in a taxi. After being dropped off, within an hour the driver returned with the wallet. This delighted the customer. The driver had come back having finished for the day and did a special trip to return the wallet. The customer reported they had never received service like this from a taxi before and would like him congratulated.

Fox Cars' 'excellent customer service' was recognised by a customer who said: "Their time keeping is excellent, they never overbook and if they are late will always ring to let the customer know." The person who made this compliment became a regular customer.

A councillor from the Licensing Committee reported the following after their taxi journey: "Must flag up that H168 excelled this morning. Interior spotless and without spurious signage. All required notices displayed correctly. A pleasure to travel in."

An email was sent to us saying: "Often people reach out to you with a complaint, however I would like to register my appreciation and thanks for Hackney Carriage driver of taxi licence number H131. I had taken a journey from the train station to home and in my rush to get back I left my mobile charger in the taxi. I realised later that night and went back to the rank the following morning. All I remembered was the taxi was yellow. Within a few minutes and on advice of other drivers my driver turned up, ensured I was his passenger and provided my charger. Good customer service and very reassuring that Basingstoke drivers are serving the community in good spirit!"

After a customer lost a very expensive pair of sunglasses in a taxi they emailed the council. We forwarded details on to the association who, within a short time, were able to locate the glasses and the driver arranged their return which made the customer very happy.

Hackney Carriage drivers provided war veterans with free taxi journeys to services on Remembrance Day.

Another taxi driver received a compliment from a customer who had lost her purse but assured the driver she could pay if he took her home. On arriving home, the customer received a message confirming her purse had been found. The driver returned the customer to town to collect it and then back home again and didn't charge for his waiting time or return journey. The customer described the driver as 'delightful' and was hugely impressed with his service. The driver said seeing how pleased the lady was to finally get home with her purse made his day and was more important than the fare.

A customer contacted us after being reunited with his laptop, which he had left in a taxi. The driver found contact details and called the customer to arrange delivery of the laptop to his door. The following day, the driver also found the customer's library card and he once again phoned and dropped the card off at the house. The customer complimented the driver, saying: "I feel this level of service goes above and beyond the call of duty, and I wanted to register my sincere appreciation for my driver that evening."

Another taxi customer contacted us to recognise her driver's efforts to help her with her luggage into hospital to collect her son which took a significant amount of time after she had paid her fare. When we contacted the driver to pass on this recognition, he said: "I must admit I was quite shocked and touched when I heard about the Facebook post on Spotted in Basingstoke trying to track down a Scottish cab driver. The vast majority of drivers would have done the same in these circumstances but it is good to receive a bit of praise now and again. I was just doing my job in the same way most of my colleagues do every day."

Congratulations to all the drivers who represent themselves, the trade and Basingstoke so well. Receiving compliments is very satisfying and goes to show your efforts to provide a high level of service and going that extra mile really is appreciated by your customers. These examples of good service can only enhance the reputation of the trade. Well done to you all. We recognise the professional and friendly service provided to taxi and private hire users and look forward to receiving more compliments in future.

**We will be adding a facility to our website where customers can register their compliments to recognise the provision of excellent service.**



# Enforcement update

## Rank etiquette

The Licensing team has received a number of complaints about rank etiquette not being observed at the ranks, particularly at the Basingstoke train station rank. Rank etiquette is noted in the bylaws adopted in Basingstoke, and can be found at [www.basingstoke.gov.uk/taxi-driver-licensing](http://www.basingstoke.gov.uk/taxi-driver-licensing)

1. If a rank is full, move to another available rank (bylaw 7b). Do not park on double yellow lines to wait for a free space on the rank. Double yellow lines are a safety measure to ensure safe passage of vehicles and pedestrians. Parking or waiting on double yellow lines is a contravention of the Highway Code (rule 238) and of the Road Traffic Regulation Act 1984.
2. Move to the head of the rank when space becomes available (bylaw 7c and 7d)
3. Ensure passengers approach the taxi at the head of the rank. Should a passenger approach you, and you are not the start of the rank, please ask them to approach the first taxi on the rank.
4. It is an offence to refuse a fare under section 53 of the Town Police Clauses Act 1847. The only time a fare can be refused is for 'reasonable cause', which can include if the driver believes their safety is at risk, the passenger is overly drunk or abusive or the passenger refuses to stop eating or drinking or smoking. A fare cannot be refused on the grounds the journey is too short, or if they only wish to pay by card (and you have the facilities to accept payment by card).

# Badges

**Paragraph 13 of the Hackney Carriage bylaws states:**

"If a badge has been provided by the council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner to be plainly visible."

Your driver badge must be worn and clearly visible at all times whilst you are working. If you do not wish to wear the lanyard issued with your badge, the badge can be clipped to your shirt.

Private Hire drivers have a similar condition on their licence which states:

"I, the licensed driver shall, at all times when driving a private hire vehicle, wear in a conspicuous position, the driver's badge issued to the licensee by the council."

Failure to wear a private hire badge is also an offence under section 76 of the Local Government (Miscellaneous Provisions) Act 1976.

# Renewal reminders

(medical costs and fees)

We send interim check letters and licence renewal reminders well in advance of their due date. To enable us to work efficiently and in priority order, and ensure we can maintain licences or issue renewed licenses, please return completed applications at least 10 days in advance of the licence expiry date.

When updated medical examination reports are required, please be reminded that when the report is submitted the checking fee (currently £30) must be paid. Failure to do so will delay your medical fitness being assessed and could result in the licence being suspended until the report has been assessed by the council's medical advisor.

When you receive letters from the licensing team, please read the content carefully. They may contain your licence conditions, which you must comply with, requests for additional medical information or enforcement information. It is important that you take the time to understand these letters, and contact the licensing team as soon as possible if you have any questions about the contents of letters you may receive.



## Smoking in vehicles

The licensing team may soon be obtaining the delegated powers to issue Fixed Penalty Notices for licensed drivers who are seen smoking in their licensed vehicles. It is an offence under the Health Act 2006 (section 5) which designated all Hackney Carriage and Private Hire vehicles as smoke free vehicles (enclosed public spaces). As such, neither the driver nor passenger should smoke in the vehicle. Please ensure your vehicles are fitted with 'no smoking' signs. Under the new taxi policy the use of substitute smoking devices is also prohibited.



# Parking on Hackney ranks

Basingstoke and Deane's Licensing team has received a number of complaints about private hire vehicles parking on Hackney Carriage ranks. You are reminded that Hackney Carriage ranks are exclusively for Hackney Carriages and cannot be used to drop off or pick up private hire passengers. However, the licensing team can only enforce these powers on officially adopted ranks, a list of which can be found on the taxi webpages on the council website. There may be parking areas allocated on private land for taxis but licensing cannot enforce any parking regulations on these privately owned areas.

## Card payments

If you accept card payments then you cannot set a minimum card payment higher than the minimum fare. Nor can you refuse short journeys paid for by card. You either accept card payments or not, in the same way that you do not have to accept payments by cheque. Drivers are recommended to display a small sign in the passenger side window stating the accepted payment methods. This makes it easier for customers to decide which vehicle they can use.





# Safeguarding and county lines

The Home Office has recently started a campaign to improve awareness of the exploitation of vulnerable children and adults in relation to county lines activity. County lines is the police term for urban gangs supplying drugs to suburban areas. It is heavily focused on exploiting vulnerable children to move drugs and money. Taxis are a popular form of transport for children being exploited by gangs, and to help safeguard vulnerable children the Home Office has produced posters and is working with local Licensing Authorities to increase awareness with the licensed trade. To view the posters visit [www.gov.uk/government/publications/county-lines-protecting-vulnerable-people-from-exploitation](http://www.gov.uk/government/publications/county-lines-protecting-vulnerable-people-from-exploitation)

## The signs to look out for in regards to possible exploitation are:

- A child (aged 14/15) travelling on a long train journey alone
- They may not be from your area, may look lost and have a distinct urban accent
- They may be travelling during school hours or at unusual hours
- They may have an obvious relationship with controlling, older individuals
- Suspicion of self-harm, physical assault or unexplained injuries
- Excessive receipt of texts or phone calls.

If you have any concerns about county lines activity you can report it to Crimestoppers or 101. If there is immediate danger to yourself or your passengers, contact 999.

If you have concerns about a homeless person, or begging, you can contact StreetLink online at [www.streetlink.org.uk](http://www.streetlink.org.uk), via the mobile app, or by calling 0300 500 0914. This information will then be passed to the local Basingstoke support services. You can also make a safeguarding report to adult or child services at Hampshire County Council using the details on the next page. The information you have may lead to a vulnerable adult or child being given the help they require.



## If you have concerns about a child:

- Phone 0300 555 1384 during office hours 8.30am to 5pm Monday to Thursday, 8.30am to 4.30pm on Friday
- Phone 0300 555 1373 at all other times to contact the out of hours service.

## If you have concerns about an adult:

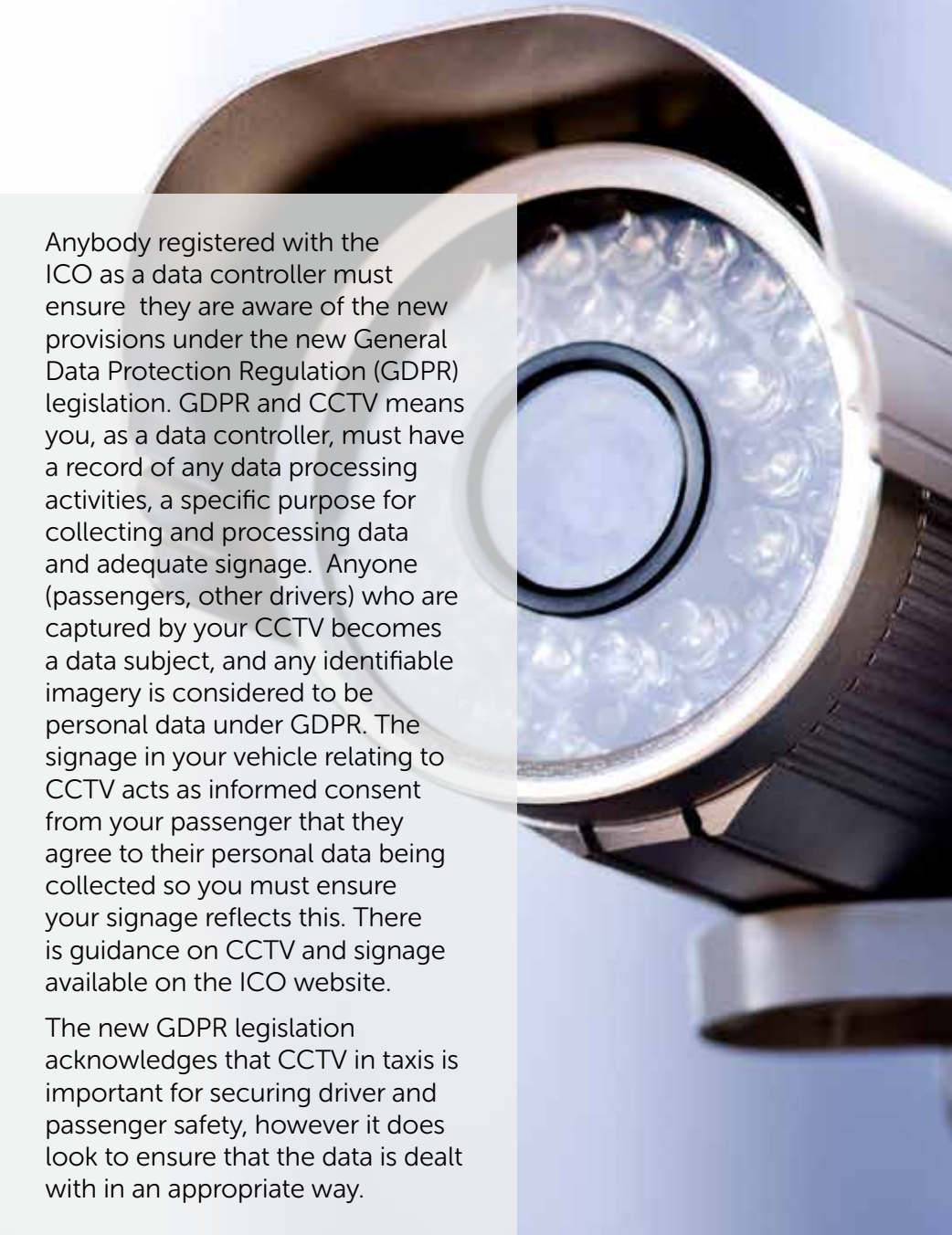
- Phone 0300 555 1386 during office hours 8.30am to 5pm Monday to Thursday, 8.30am to 4.30pm on Friday
- Phone 0300 555 1373 at all other times to contact the out of hours service.

# CCTV in taxis

The council does not require CCTV in licensed vehicles. If you decide you would like to install CCTV in your licensed vehicle, there are some rules you will have to follow.

The purpose of the CCTV is to provide a safer environment for the benefit of both the driver and passenger. The Information Commissioners Officer (ICO) provides guidance on the use of CCTV, but generally:

- There must be signs alerting members of the public to the use of CCTV in the vehicle.
- Conversations between members of the public should not be recorded. The CCTV can have an audio capacity, however this must only be activated in certain situations via a panic button or similar device.
- Anyone can make a request to obtain CCTV of themselves (Subject Access Request or Freedom of Information).
- CCTV operators are not allowed to disclose images of identifiable people to the media or on the internet. Police have specific procedures to do this in the pursuit of investigating a crime.
- CCTV footage can only be retained for a specific amount of time.
- Installation and operation of CCTV must comply with ICO CCTV code of practice.
- Installed equipment must not obscure vision or intrude into the passenger, driver or luggage area.
- If you install CCTV into your vehicle, you must register with the ICO as a data controller. There is a fee to pay to register with the ICO.



Anybody registered with the ICO as a data controller must ensure they are aware of the new provisions under the new General Data Protection Regulation (GDPR) legislation. GDPR and CCTV means you, as a data controller, must have a record of any data processing activities, a specific purpose for collecting and processing data and adequate signage. Anyone (passengers, other drivers) who are captured by your CCTV becomes a data subject, and any identifiable imagery is considered to be personal data under GDPR. The signage in your vehicle relating to CCTV acts as informed consent from your passenger that they agree to their personal data being collected so you must ensure your signage reflects this. There is guidance on CCTV and signage available on the ICO website.

The new GDPR legislation acknowledges that CCTV in taxis is important for securing driver and passenger safety, however it does look to ensure that the data is dealt with in an appropriate way.

# Guide dogs and wheelchairs in vehicles



Following a survey by the charity Guide Dogs in 2016, it was found that 42% of assistance dogs have been refused access to a Hackney Carriage or private hire vehicle. This is a reminder that under the Equality Act 2010 (section 168), it is an offence to refuse an assistance dog unless the driver has a medical exemption. No additional charge can be made for transporting the assistance dog, and the dog must remain with the passenger at all times.

If you require a medical exemption from carrying dogs, you need to get a certificate from your doctor and apply for an exemption certificate from the Licensing team.

A reminder for our wheelchair accessible vehicles that meters must not be brought into action until the journey has started. This excludes the time taken to load a wheelchair user or secure them. If the meter is started before loading or continues after a passenger is being unloaded, this could be considered direct discrimination under section 13 of the Equality Act 2010. Drivers cannot charge more for transporting wheelchair users. As a general reminder, a journey should not be started until a passenger is securely seated, so please avoid pulling away from a rank until your passenger has fastened their seatbelt.

## Pushchairs in taxis

There has been some confusion on whether children can travel in licensed vehicles in pushchairs. The previous guidance still stands and it is not considered safe for a child to travel in a pushchair or buggy in a vehicle. The safest way is for a child to be secured in an age appropriate child or booster seat until they are 12 years old or 135cm tall. Drivers of licensed vehicles are NOT required to provide such seats. Many baby buggies allow the seat to be removed from the frame and strapped into a seat using the seatbelt.

If an appropriate child seat is not available, then the child should be removed from the pushchair and:

- Use a rear seat
- Child over three must use an adult seat belt
- Child under three must be accompanied with an adult but cannot use same seatbelt

For more information, visit [www.childcarseats.org.uk/the-law/cars-taxis-private-hire-vehicles-vans-and-goods-vehicles](http://www.childcarseats.org.uk/the-law/cars-taxis-private-hire-vehicles-vans-and-goods-vehicles)

The licensing team expect drivers to have a discussion, and conduct a risk assessment, with customers who wish to travel with children and a pushchair about the safest way to transport the passengers.



## Hackney carriages used for private hire in other areas

There have been many articles highlighting the issue of taxi drivers and vehicles licensed by licensing authorities working on a private hire basis in other local authority areas.

Bradford Council tried to clamp down on drivers getting licenses from other authorities after a councillor expressed safety fears over using a vehicle licensed by a different authority and not subject to the same licensing requirements. The councillor urged people using taxis in the area to specifically ask for locally licensed vehicles and drivers to ensure they had been through the local vetting services. During an enforcement check, all four vehicles licensed by Rossendale had problems - two of which were serious enough for the vehicles to be taken off the road immediately.

Nationwide, many councils face the same problem with an influx of other council-licensed vehicles being operated outside of their own areas. We support drivers and vehicles working where they are intended to enable high local regulation to protect users of locally licensed services.



There is provision to apply intended use to hackney carriage vehicles which forms part of our revised taxi policy. Sadly a similar restriction does not exist within current law regarding private hire vehicles.

## Fares for taxis used for private hire and journeys ending outside of borough

It was reported to us that some hackney carriage drivers were not aware of rules regarding taxi fares for journeys pre-booked for a private hire operator, or for journeys starting within the borough but ending outside it.

Under section 67 of the 1976 Act a hackney carriage cannot be used under a contract or purported contract of private hire except at a fare which is no greater than the fare set by the council. When a hackney carriage is used as a private hire vehicle the fare must be calculated from the point at which the hirer is collected and cannot be calculated by reference to the distance from the last journey to the pick-up point or from the office to the hirer.

A hackney carriage can be used effectively as a private hire vehicle when a booking is made with a private hire operator. Hackney carriages can be used as private hire vehicles, however, unless a fare is agreed in advance, the fare would be subject to the meter rate. Any agreed fare cannot be more than the metered rate. If you are an operator and you propose to provide a hackney carriage vehicle,

we recommend you inform the customer at the time of the booking to ensure they are aware of the fare being charged so drivers are not subject to disputes with passengers.

Section 66 of the 1976 Act prohibits any demand of a fare greater than that shown on the meter for hirings which end outside the area of the district council in which the hackney carriage is licensed, unless such agreement has been made in advance. In practice, when the hirer states the destination to the driver, the driver will probably realise if the destination is outside the district and should explain to the hirer that this will be for an agreed fee, as opposed to a meter fee, but if this is not the case, the driver is bound to charge not more than the meter. If this provision is not complied with, an offence is committed under section 66(2). We recommend meters are used for all journeys to ensure transparencies to customers and to prevent the taxi roof light from being illuminated showing the vehicle to be available for hire when passengers are being transported.



## Making a complaint to the Licensing team

If you or your passenger find yourself in the unfortunate position of having to make a complaint to the licensing team, this must be made in writing. Officers investigate complaints in a fair manner and have to consider the evidence provided and assess that complaints are justified. During the investigation, officers have regard to the seriousness of the issue and our enforcement policy to determine what (if any) enforcement action is required. Actions are based on evidence established through the complaint and this is why complaints and any evidence must be submitted in writing. All complaints are anonymous, however should the complaint lead to a prosecution it is likely the complainant will be asked to make an official statement and may have to make an appearance in court.



## Keep us informed

To enable us to maintain communications with you, it is important that you keep us informed of your correspondence details. You are required to notify us of the below matters if your details change during the term of your licence:

- Change of address
- Change of contact details
- Change to the operator you work for
- Change to medical health/conditions which may affect your fitness to drive. If you are unsure as to the DVLA group two medical standards, they can be found at the following link: [www.gov.uk/guidance/general-information-assessing-fitness-to-drive](http://www.gov.uk/guidance/general-information-assessing-fitness-to-drive)
- Any convictions relating to criminal matters or motoring offences/endorsements, or if you receive a warning or caution or subject to any police investigation.

Failure to notify the licensing authority of the above is an offence under the acts governing hackney carriage and private hire licensing.

Please note you are required to report any accidents involving your licensed vehicles within 72 hours. If your vehicle is involved in an accident, it will need to be cosmetically inspected to assess if it remains 'fit for purpose'.

# Your views matter

If you have any comments, questions, suggestions or topics you would like included in the next newsletter please complete and return the slip below.

Name

Address

Licence number

Contact number

Email address

Comments, questions or suggestions

**Please return this form to the licensing team at:**

Basingstoke and Deane Borough Council, Civic Offices, London Road, Basingstoke, RG21 4AH

Alternatively, email your comments, questions or suggestions entitled taxi and private hire feedback to [licensing@basingstoke.gov.uk](mailto:licensing@basingstoke.gov.uk)

**@Basingstoke and Deane Borough Council September 2018**

[www.basingstoke.gov.uk](http://www.basingstoke.gov.uk)

[customer.services@basingstoke.gov.uk](mailto:customer.services@basingstoke.gov.uk)

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