

# Taxi and private hire

Spring / Summer 2023 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)

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## **Duty to wear badges – it's the law.....**

Licensed hackney carriage (HCDs) and private hire drivers (PHDs, excluding executive PHDs undertaking exempt chauffeur style work) are required to wear their council issues badges at all times whilst working.

In the case of HCDs, the driver byelaws state; *'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 position and manner as to be plainly visible.'*

The PHD licence conditions state: *'The licensee shall,*

*when driving a PHV, wear in a conspicuous position the driver's badge issued by the Council. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council.'*

The intention for drivers to explicitly show their status as a bona fide licensed driver is to demonstrate to the public and customers that they have been suitably vetted and granted a licence to undertake their role.

The requirement to wear the badge so it is plainly visible is also a requirement of the Local Government (Miscellaneous Provisions) Act 1976 which states:

*'54 Issue of drivers' badges.*

*(1) When granting a driver's licence under section 51 of this Act a district council shall issue a driver's badge in such a form as may from time to time be prescribed by them.*

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

*(b) If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence.*

Undertaking compliance activities, officers have been issuing Council Penalty Points (CPP) to address drivers found working without wearing their licence badges. Under the current CPP, this would result in up to four CPPs issued on first offence. In some cases, drivers have been found not to have their badges on them at all, or storing badges in glove compartments, under sun visors, hanging off indicators etc. Drivers unable to provide their badges to officers on request whilst working shall be immediately

suspended from duties. If the same driver commits this offence on more than one occasion, escalated enforcement action shall be considered. We have also received feedback from drivers explaining that when officers are undertaking district compliance activities, operators are messaging drivers to ensure they wear their badges. This shouldn't be necessary as badges must be worn **at all times**.

## **Council Penalty Point Scheme**

The Council Penalty Points Scheme has been in place for a while now and used frequently by officers to address breaches when undertaking compliance activities. The Penalty Points System forms part of the council's Taxi and Private Hire Police (Appendix O) and is used to address non compliance issues. It is also intended to act as a deterrent to licence holders by encouraging duties be undertaken in accordance with the law, licence

conditions and byelaws. Please ensure you are familiar with the byelaws and conditions attached to your licence and be aware that an accumulation of 12 points in a 12 month period would result in being required to attend a licensing sub committee hearing to review your licence.

## Check your tyres



The commonest reason for failure at compliance checks is worn or damaged tyres. Vehicle safety is paramount to the taxi licensing intention to promote public safety. Using vehicles which are not safe is considered relevant to a driver's fit and proper person status. It is vital proprietors and drivers regularly check their tyres and vehicle condition to ensure high standards and that all

licensed vehicles are maintained in a roadworthy and safe condition. Keeping vehicles clean and well presented encourages customer confidence and trust.

The RAC website states: *Checking your legal tyre tread depth is one of the most important checks you can make on your car. Having worn tyres means the only contact patch between you and the road is past its best. You could almost call it an accident waiting to happen. If the safety risks don't hit home, maybe the risk of a £2,500 fine and three penalty points for a worn tyre will? That's per tyre, too. If all four tyres are worn below the legal limit, you could potentially lose your licence and face a £10,000 fine.*

*What is the legal tyre tread depth? The legal tyre tread depth for cars in the UK and Europe is 1.6mm across the central three-quarters of the tyre, according to law. The tread must meet this*

*minimum requirement across its complete circumference.*

Officers are equipped with tyre tread gauges and, have powers to suspend vehicles with unsafe tyres. Please ensure checking tyres forms part of your daily vehicle checks to ensure your vehicle is safe and smart.

### **Duty to carry disabled passengers**



New legislation came out last year, extending the duty to carry and assist disabled passengers, for all hackney and private hire drivers, not just to those driving a wheelchair accessible vehicle.

This means that you must:

- Not refuse to take a person in your vehicle because of their disability
- Not make an extra charge for carrying a disabled passenger
- Not leave the meter running whilst assisting a disabled passenger get in or out of your vehicle.
- Give such mobility assistance as reasonably required.

You can apply to us for an exemption from providing mobility assistance if you have a physical or medical condition that means that you cannot reasonably provide assistance to wheelchair users.

If, when you take a booking, you are aware that a passenger is disabled, you have a duty to assist the passenger to identify the vehicle. Here are some

examples;

- give audio directions such as phoning the customer when the vehicle has arrived
- give visual directions such as colour and registration of the vehicle that will be arriving

If you are a private hire operator, you cannot refuse to accept a booking or make any additional charge because the passenger is disabled. The Council has a duty to have a list of all designated wheelchair accessible taxis on our website. If you have a wheelchair vehicle, please check that your details are correct on the web page above. Breaches, of any of the above, are offences under the Equality Act 2010 as amended by the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022

## Assistance dogs



Also under the Equality Act 2020, is the duty for drivers to carry an assistance dog and allow them to remain with their user without making or proposing to make an additional charge for doing so.

For example, you cannot insist that the dog goes in the boot or put a surcharge on the meter for carrying the dog. You should not activate the meter or start charging until the passenger and assistance dog are properly settled.

Under the Equality Act 2020, an assistance dog is one that

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assists a person who has a disability. It includes guide and hearing dogs and dogs that assist their owner with other disabilities such as epilepsy, diabetes, physical mobility problems and more. The assistance dog will have had specific training, it may have a coloured harness and the owner may have ID documents, although these are not legal requirements, and you cannot ask for those to be provided.

### Committee Update



The Hackney Carriage trade have raised a number of issues around age of and cost of vehicles, and the move to electric vehicles. As a team we are reviewing these matters and will be taking an updated version of

the taxi and private hire policy for review at committee in November.

Changes that have already been made,

1. Hackney Carriage vehicles can be up to 6 years old at the point of first licence.
2. Front plates have been removed on private hire vehicles to reduce cost.

### Manage My Licence



Over the next 3 months we will be working with other councils across the country to look at improving the process of taxi licensing applications. We are using an external, independent company called

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Zaizi. The Zaizi team will be speaking to drivers and operators both in person and electronically. We want to get your views on what you need from a mobile phone-based app. We are looking at how you apply for licences, providing information like medicals, DBS checks and updating contact details.

areas to be covered in future editions, please email the licensing team

[licensing@basingstoke.gov.uk](mailto:licensing@basingstoke.gov.uk)

We want your voices to be heard and appreciate your cooperation with the Zaizi staff. More details will follow over the next few weeks, so please watch this space. If you would like to volunteer for this, please let us know.



Thank you for taking the time to read this newsletter and the important updates it provides. If you require any further clarification to any of the articles, or you would like any particular