

# Taxi and private hire

Spring 2022 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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[www.basingstoke.gov.uk](http://www.basingstoke.gov.uk)



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Deane**



## Convictions

If, after the issue of this licence there is

- a change in your medical condition which may affect your fitness to drive, or
- you are convicted of a criminal or motoring offence, or
- you receive a warning or caution,

you are required to report the matter in writing to the council within 72 hours.

Notwithstanding the above requirements to notify all offences, all licence holders must inform the council as soon as possible and in any event with 24 hours, if you have been questioned, interviewed, arrested or charged in connection with:

- Touching a child or young person unnecessarily or inappropriately.
- Making offensive or inappropriate comments;
- Misusing or attempting to misuse personal details obtained as part of a fare or booking

## Cash Payments

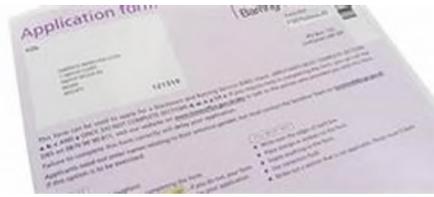
Changes since COVID-19 have now resulted in Basingstoke no longer taking cash payments. Payments can be made on-line [Basingstoke & Deane Borough Council Online Payments \(e-paycapita.com\)](https://www.basingstokeanddeane.gov.uk/council-online-payments) or over the phone 01256 844844

## Public Liability Insurance

The taxi driver public liability insurance policy protects you against claims in respect of your legal liability for personal injury or property damage sustained by third parties arising during the course of your business. It pays any awards that are made against you and also meets the cost of any legal defence of any claim, whether you are responsible or not.



**Disclosure &  
Barring Service**



A subscription to the Update Service lasts for one year. You can renew your subscription through the Update Service, either:

- when you first register, by choosing automatic renewal (this will stop if the card details that you used change, so make sure they are up to date in the system)
- up to 30 days before your current subscription ends - but you cannot renew on the last day of your subscription

[Sign in to your account](#) to renew your subscription. If you do not renew your subscription before it ends, you'll need to apply for a new DBS check and [register for the Update Service](#) again.

Make sure that you keep your DBS certificate in a safe place as if this is lost you cannot renew your update service and will have to apply for a new DBS check and [register for the Update Service](#) again.

If your yearly £13 pounds is not paid for any reason you will no longer be part of the update service and will have to reapply. The DBS service will email before the payment is taken so any changes to payment details can be made at this point.

## Adhesive Vehicle Plates Updates

The last parts of the system set up are being put in place and the new adhesive plates will start to be issued in April/May 2022. These will be sent directly to your home address along with your paper licence.

# 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 £33) 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 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 can 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

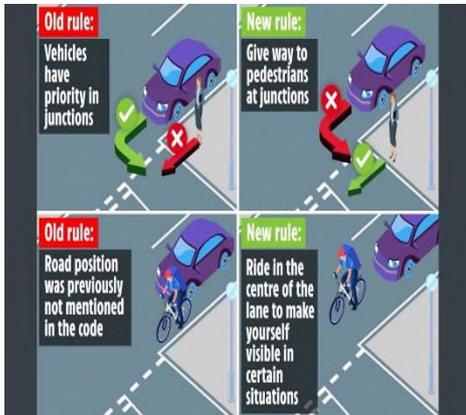
Basingstoke and Deane's Licensing team has received complaints about private hire vehicles parking on Hackney Carriage ranks. You are reminded that Hackney Carriage ranks are exclusively for Hackney Carriages and cannot be used to drop off or pick up private hire passengers. However, the licensing team 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. 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.



# Highway Code Update



The Highway Code change is part of a £338 million package to improve the infrastructure for cyclists and pedestrians. During the pandemic, many of us started walking and cycling more, and because of this rising trend, the government has decided to change the Highway Code in order to allow cyclists and pedestrians to feel safer on the road. Some of the changes include: A hierarchy of road users that prioritises at-risk road users like cyclists and pedestrians. Improving pedestrian priority on pavements when crossing or waiting to cross the road. Guidance on passing cyclists safely. This includes safe passing distances and speed. Cyclists will also have priority at junctions when travelling straight ahead. The

government explains that, 'road users who can do the greatest harm have the greatest responsibility to reduce the danger they may pose to others'.

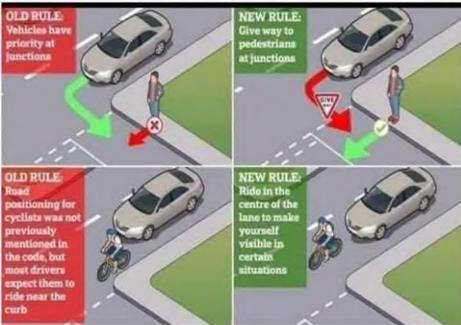
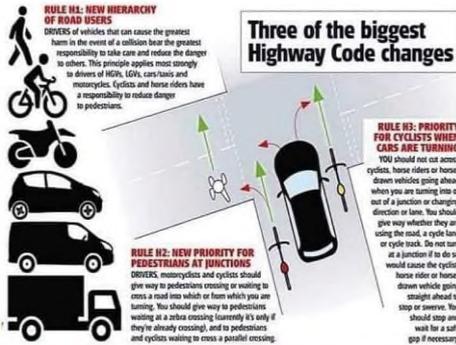
On the 29th January 2022 major updates were made to the Highway Code amending rules surrounding cyclists, junctions and the 'road hierarchy'. All road users are expected to read and understand the new rules so we encourage all professional drivers to appraise themselves with the updated provisions. Rule H1 This new rule creates a hierarchy of road users, with the most at risk at the top and those least at risk towards the bottom: 1. Pedestrians (eg children, elderly adults, those with disabilities) 2. Cyclists 3. Horse riders 4. Motorcyclists 5. Cars/taxis 6. Vans and minibuses 7. Large passenger vehicles and HGVs The general rules of the Code provide that those higher up the list should be given more priority. Rule H2 States that instead of cars, pedestrians and cyclists will now have priority at junctions. So when cars are turning left or right into junctions, pedestrians/cyclists waiting to cross will now have

priority, meaning drivers should wait. Rule H3 Creates a number of situations where cyclists will have priority over cars. Cyclists are now also encouraged to ride in the middle of the lane rather than on the left to make themselves more visible, and in certain situations may even occasionally ride two or three abreast. See the following image for examples of how this will work. Other changes

- The rules also now specifically state that drivers ought to get a good nights sleep before lengthy journeys.
- The “Dutch Reach” method is now approved. This means that when drivers and passengers are exiting a vehicle they are encouraged to open the door with their opposing hand. The idea is that this forces the person to turn their body, causing them to look over their shoulder, making motorcyclists and cyclists more visible.
- Drivers are also further reminded to leave larger gaps in icy conditions.

This is not an exhaustive list, for the full list of changes (and there are many) drivers ought to obtain a new, up to date copy of the Code.

Can you be prosecuted for not following the Highway Code? Prosecutions for driving without due care and attention, an offence that carries 3-9 penalty points or a discretionary disqualification, are occasionally brought on the basis that a defendant is in breach of the Highway Code. The test is where the standard of a person’s driving has “fallen below that of a careful and competent driver in the circumstances” and the general rule is that a defendant should be convicted if the standard of their driving has fallen foul of a rule. But it is not automatic. Every case is dependant on it’s own facts, and where the defendant provides an explanation for the breach of the Code, the prosecution must disprove it if they want to secure a conviction. And there are examples of cases decided by the High Court where a defendant has been in breach of the Highway Code yet has been found not guilty. However, the safest way to avoid prosecution is to follow the Code wherever possible.



# Tax Check

The [tax check service is available](#) for licence applicants to do their tax check.

As you are aware, this tax check will be a new addition to the checks that licensing bodies already have in place, and it will need to be completed when people are renewing their licences to:

- Drive taxis or private hire vehicles;
- operate private hire vehicle businesses;
- deal in scrap metal.

The changes will apply in England and Wales from 4 April 2022.

We have made the tax check service available now so that applicants who need to renew their licences on, or shortly after, 4 April can get their tax check code in good time.

The tax check confirmation service for licensing bodies will be available as planned on 4 April 2022.

Guidance is available to help [licensees](#) and [licensing bodies](#) prepare for and to complete the new tax checks.

If applicants are unable to complete the tax check online they can get help from HMRC - for example if they need information in a different format or need help filling in forms. They should visit [GOV.UK 'Get help from HMRC if you need extra support'](#).

# Stricter Rules on Mobile Phone Used in Vehicles

The government has tightened up the rules on mobile phone use behind the wheel. Last year, motorists could only be penalised for communicating on their phone behind the wheel. For example,

calling or sending a text. However, mobile phone laws tightened up on 19 November 2021. Previously, a 'legal loophole' meant some drivers escaped prosecution when they used their phones to take photos or videos while driving. This means using your phone for gaming, taking selfies and scrolling through playlists will be illegal. Drivers could receive a fine of £200 and six points on their licence. But there are some exceptions: Drivers should still be able to use their phone as a sat nav as long as it's secured in a mobile phone holder. You should also be able to use your phone to make contactless payments at drive throughs and toll roads

## Safeguarding and Disability Awareness Courses Update

Many of you have already taken these courses or have them booked in but there are also still a number outstanding. It is important for drivers and operators to have sound awareness about the signs of potential abuse and who concerns should be reported to. All new driver applicants have to undertake safeguarding and

disability training before their applications can be determined.

Licensed drivers are required to book their own courses (Disability Awareness and Safeguarding Virtual **Classroom ONLY**) online directly with the council's approved course provider, the Blue Lamp Trust here:

[https://bluelamptrust.org.uk/Safeguarding link - safeguarding-classroom](https://bluelamptrust.org.uk/Safeguarding-link-safeguarding-classroom) | [THE BLUE LAMP TRUST](#)

Disability Awareness link - [Disability Awareness Classroom Course](#) | [THE BLUE LAMP TRUST](#)

If you have any issues you may call them on 0300 777 0157

The Blue Lamp Trust have confirmed that they are adding additional courses due to the demand.

No enforcement action will be taken a present due to the inability of a number of drivers to book onto these courses.

A number of drivers have contacted the team about NVQ's that they have. Not all of these cover the requirements, Please provide the team with a copy of the syllabus and they will review if it cover part, all or if any of the training required.

These courses are a requirement for all existing drivers as well as

any new drivers.

## 2022/23 Fees

At Licensing Committee on the 7<sup>th</sup> February 2022 it was agreed that we would not increase the fees for the next financial year. The aim is to try and support the trade recovery from the impact from the COVID-19 pandemic



## 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.

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:

- Changes to your address
- Changes to your email address
- Changes to your health

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](https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive)**

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, please contact the licensing team [licensing@basingstoke.gov.uk](mailto:licensing@basingstoke.gov.uk)