

Proposed changes to elements of policy together with Single Status Drivers, Hackney Carriage, Private Hire Vehicle and Private Hire Operator licence conditions

| Proposal | Mischief being addressed | Arguments in favour of change | Arguments against change | Proportionality | Grandfather rights issues | Proposed Wording of condition |
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| Amending the current requirement of a licensed driver to notify the Council of certain medical conditions from “within 28 days” to “without undue delay”. (para 4.1 of the report relates) | Current condition allows for a licensed driver to continue driving a hackney carriage or private hire vehicle for up to 28 days before notifying the licensing section even though their medical condition may put them, as well as customers and members of the general public at risk. | Allows the licensing section to consider the drivers suitability to continue to meet the current medical standard (DVLA Group 2) at the earliest possible opportunity. This proposed amendment is solely for the purpose of public safety as well as that of the driver. | No arguments against have been submitted. | There is no perceived question of proportionality relating to this proposal as it is does not affect the medical standard of a licensed driver. | Not applicable | Driver Condition Amend condition number 4 to read as follows: <i>The licence holder must notify the Council in writing without undue delay of becoming aware of any change in medical condition which may affect the continued fitness to drive in accordance with the Council’s current medical standards.</i> |
| Amending the current requirement to permanently remove the fold up seats within the boot area and seal the connecting points condition to covering them instead. | The current condition (if applied) would deem a vehicle unusable as a licensed vehicle due to the disconnection of an electrical seatbelt | This is a simpler option that provides licensed drivers a larger range of vehicles available to be used as a hackney carriages or private hire | There is the possibility that a driver may abuse this rule by using the fold up seats to carry more passengers than they are licensed for. | The current requirement is now deemed to be a disproportionate way of counter-acting the perceived issue of using seats that are not suitable. This proposal | Not applicable | Vehicle Condition Amend HCV and PHV condition 2.2.1 bullet point 1 to read as follows: <i>“Fold up seats within the boot area of any vehicle must be kept in the folded down position and covered</i> |

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| (para 4.2 of the report relates) | connection which triggers a dashboard warning light fitted to most modern vehicles. | vehicle. | | addresses this issue. | | <i>with a suitable boot mat, carpet or liner”.</i> |
| Consider a new condition requiring Private Hire Operators to notify the licensing section of certain type of complaints/incidents. (para 4.3 of the report relates) | Private Hire Operators and their staff may receive allegations or complaints that are either dealt with internally or the complainant is advised to report the matter to the Police. These matters don't always come to the attention of the Licensing Section for various reasons. | The licensing section may already hold additional or similar information which may provide a greater picture of a person's suitability to hold a licence. It may also be the case that the Police may not investigate a matter but the licensing section feel it relevant for internal investigation. | No arguments against this proposed condition have been received. | There is no perceived question of proportionality relating to this proposal as it is seen to assist the Licensing Section with its primary function of public protection. | Not applicable. | <p>Private Hire Operator Condition</p> <p>New condition</p> <p><i>Upon receiving a 'specified complaint' or allegation listed below, regarding any person licensed by this Authority, or otherwise engaged in fulfilling Private Hire bookings on behalf of the licensed Operator, the Operator must notify the Licensing Authority immediately via email to legalservices@halton.gov.uk or by telephone and forward full details of the complaint to the Licensing Section in any event within 72 hours.</i></p> <p><i>The specified complaints or allegations are:</i></p> <ul style="list-style-type: none"> • <i>Of sexual misconduct, sexual harassment or inappropriate sexual</i> |

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| | | | | | | <p><i>attention</i></p> <ul style="list-style-type: none"> • <i>Racist behaviour</i> • <i>Violence</i> • <i>Dishonesty</i> • <i>Breaches of equality</i> <p><i>In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire or Hackney Carriage Driver.</i></p> |
| <p>Consider amending the current condition for private hire vehicles to make a clearer distinction between a private hire vehicle and a hackney carriage vehicle.</p> <p>(para 4.4 of the report relates)</p> | <p>Certain vehicle conversions that may be licensed as a private hire vehicle in Halton appear too similar to a hackney carriage vehicle by design (not colour) and could be mistaken or used incorrectly.</p> | <p>The proposed amendments give clear instruction of how these type of vehicles must be presented to the Council for licensing so that it looks less like a hackney carriage vehicle.</p> | <p>Minor cosmetic work would have to be undertaken prior to presenting for licensing at cost to the applicant.</p> | <p>There is no perceived question of proportionality relating to this proposal this will assist in differentiating between the 2 types of licensed vehicles.</p> | <p>Grandfather rights to be granted to a small number of vehicles already licensed with roof signs or “pods”.</p> | <p>Private Hire Vehicle Condition</p> <p>Amend PHV licence condition 3.2 to read:</p> <p><i>The vehicle must not be fitted with any roof sign and mounting. This includes roof signs or “pods” previously fitted to the vehicle for any reason.</i></p> <p>Licence condition 3.3 of Halton’s PHV licence states:</p> <p><i>The vehicle must not be fitted with any “For Hire” sign.</i></p> <p>It is proposed to amend this condition to read as follows:</p> |

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| | | | | | | <i>The vehicle must not be fitted with any signs or adverts using the words “For Hire” or “Taxi” (or any derivative) unless authorised by the Council where it is incorporated into an advertisement or door sign.</i> |
| Consider amending a condition which requires a single status driver adhere to a bye-law about using a taximeter when driving a private hire vehicle. (para 4.5 of the report relates) | This condition is now out-dated as drivers of private hire drivers cannot use taximeters where their private hire operator charges a tariff different from that set by Halton Borough Council for hackney carriages. | The current condition cannot be legally enforced and therefore serves no purpose. | Not applicable. | There is no question of proportionality for this amendment. | Not applicable. | Driver Condition Amend condition number 16 to remove the reference to bye-law number 5 - use of taximeter. |
| Consider new condition regarding the licensing of insurance “write-off” vehicles. (para 4.6 of the report relates) | Certain vehicles involved in an accident and not deemed financially feasible to repair by insurance companies (“written-off”) may be repaired and put back on the | By introducing the proposed condition a more consistent approach to vehicle standards could be applied. | Applicants would no longer have the option of licensing vehicles purchased at considerably reduced prices. | The purpose of the licensing regime is to ensure public safety. It is therefore not deemed to be disproportionate to ensure the standard of vehicles being | Grandfather rights would be granted to a very small number of vehicles currently licensed that do not meet the proposed | Vehicle condition New condition <i>Halton Borough Council will not grant a licence to any vehicle that has been “written-off” by an insurance company.</i> |

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| | road. The problem with these vehicles is that inspections may not guarantee the vehicle's roadworthiness. | | | used to carry the general public. There is also a proposed exemption if the licence-holder can verify where cosmetic damage only has been repaired. | condition. | <p><i>The only exception to this condition is where all the following criteria are met:</i></p> <ul style="list-style-type: none"> <i>• The vehicle held a valid licence issued by Halton Borough Council when the incident happened that lead to the insurance company deciding to write the vehicle off</i> <i>• The vehicle licence-holder can provide written evidence of the damage assessment that was used by the insurance company to decide to write-off the vehicle</i> <i>• A detailed receipt or invoice for repair work can be provided to verify that the accident damage has been repaired</i> |
| Consider reviewing the advertising policy and condition for rear windscreens of licensed vehicles. (para 4.7 of the | The trade have asked if they can further promote their locally licensed operator on the rear | At present, private hire operators are disadvantaged by being unable to advertise their business on vehicles within | No arguments against this proposed condition have been received. | The proposed amendment would apply to both hackney carriage and private hire vehicle licences and is not seen to | Not applicable. | <p>Advertising Policy</p> <p>Amend the advertising policy to read as follows:</p> <ul style="list-style-type: none"> <i>• Subject to what is set out below no</i> |

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| <p>report relates)</p> | <p>windscreen.</p> | <p>(and outside) the Halton area even though companies licensed outside of Halton can. Advertising the private hire operator on the rear windscreen can provide clear identification within a busy collection area to the customer as well as to persons who feel it necessary to report the vehicle/driver for good or bad reasons.</p> | | <p>be disproportionate in this instance.</p> | | <p><i>advertisements will be permitted on Private Hire Vehicles except for authorised operator door and rear windscreen signs. The reason for this being that since they are pre-booked there is no necessity to draw attention to them. This policy also minimises the chance that they will be hailed in the street as a taxi.</i></p> <ul style="list-style-type: none"> • <i>Hackney Carriage Vehicles that are London style vehicles (TX, FX or Metro Cabs) may be allowed to have "all-over" adverts subject to prior approval from the Council. The reason for this is that their shape denotes them as taxis and adverts do not detract from this.</i> <p><i>continued.....</i></p> |
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- *All Hackney Carriage Vehicles may be permitted to have adverts on side panels and the rear windscreen subject to prior approval from the Council. Adverts will be restricted to spaces which do not detract from the overall appearance of the vehicle.*
- *Hackney Carriage Vehicles and Private Hire Vehicles will be permitted without requiring approval to have small adverts in the rear windows which advertises the licensed operator (if any) through whom they are operating. These small adverts will be permitted in the form of a one line advertisement on the rear windscreen (top or bottom so as not to interfere with rear visibility). The letters within the advertisement shall not exceed two inches (5.08mm) in height, and shall only relate to a telephone number and the identity of the licensed operator. This information may be displayed around the door signs of a PHV subject to conditions and the consent of the Council.*
- *NOTE: The door signs must be permanently affixed (not magnetic) to the front doors of Private Hire Vehicles. These signs which are described in the Private Hire Vehicle Conditions are not advertisements but notices designed to make it easier for members of the public to identify those vehicles as being Licensed Private Hire Vehicles. Approved adverts on rear windscreens will only be allowed where one way film is used to allow the driver a better view of the road through his rear mirror.*

Amend HCV condition 13.2 to read as follows:

All other vehicles not referred to in condition 13.1 may be allowed to have adverts on side panels and rear windscreen only where prior approval has been given by the Council. (The reason for this is that, since vehicles must all be black, adverts must be restricted to spaces which do not detract from their overall appearance). In respect of authorised adverts for rear windscreens, only one way film may be used.

Amend PHV condition 13 by inserting the following additional bullet point between the current bullet points 1 and 2:

A sign or advertisement covering the whole (or part) of the rear windscreen may be allowed only where prior approval has been given by the Council. In respect of authorised adverts for rear windscreens, only one way film may be used.