



Licensing Committee

Date: Wednesday, 17 November 2021
Time: 10.00 am
Venue: A link to the meeting can be found on the front page of the agenda.

Membership: (Quorum 3)

Jon Andrews (Vice-Chairman), Paul Harrison, Carole Jones, Emma Parker (Chairman), David Taylor, Kate Wheller, Derek Beer, Les Fry, Brian Heatley, Cathy Lugg, David Morgan, Julie Robinson, Susan Cocking, Mike Dyer and Mike Barron

Chief Executive: Matt Prosser, County Hall , Dorchester, Dorset DT1 1XJ

For more information about this agenda please telephone Elaine Tibble on 01305 224202 or email elaine.tibble@dorsetcouncil.gov.uk



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Due to the current coronavirus pandemic the Council has reviewed its approach to holding committee meetings. Members of the public are welcome to attend this meeting and listen to the debate online by using the following link:

[Link to live meeting](#)

Members of the public wishing to view the meeting from an iPhone, iPad or Android phone will need to download the free Microsoft Teams App to sign in as a Guest, it is advised to do this at least 30 minutes prior to the start of the meeting.

Please note that public speaking has been suspended. However Public Participation will continue by written submission only. Please see detail set out below.

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A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registerable or personal interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

3 PUBLIC PARTICIPATION

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.

Members of the public who live, work or represent an organisation within the Dorset Council area, may submit up to two questions or a statement up to a maximum of 450 words. All submissions must be sent electronically to elaine.tibble@dorsetcouncil.gov.uk by the deadline set out below. When submitting a question please indicate who the question is for and include your name, address and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by the appropriate officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting.

The deadline for submission of the full text of a question or statement is 8.30am on Friday 12 November 2021.

4 PARK HOME FEES POLICY

5 - 26

To receive a report from The Housing Standards Service Manager.

5 TAXI LICENSING POLICY

27 - 188

To receive a report from The Service Manager for Licensing & Community Safety Operations.

6 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

7 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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Licensing Committee Date 17.11.21 Park Home Fees Policy

For Recommendation to Cabinet

Portfolio Holder: Cllr L Miller Customer and Community Services

Local Councillor(s): N/A

Executive Director: V Broadhurst, Interim Executive Director of People - Adults

Report Author: Richard Conway
Title: Housing Standards Service Manager
Tel: 01929 557267
Email: richardconway@dorsetcouncil.gov.uk

Report Status: Public

Recommendation:

The Licensing Committee recommended that:

1. Cabinet approves the adoption of the Park Home Fees Policy attached as **Appendix 1** to this report.
2. Cabinet delegates authority to the Corporate Director Housing and Community Safety in consultation with the Portfolio Holder Customer and Community Services to:
 - (a) Make minor amendments to the policy to comply with changes in legislation or to reflect increases or decreases in the cost of administering the functions described in the policy.

Reason for Recommendation:

The Council is required by law to adopt and publish a park home fees policy under the Mobile Homes Act 2013. In addition, The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 require the Council to have a published fees policy regarding registration to a Fit and Proper Person Register.

This policy describes how these fees will be charged and how they are calculated.

1. Executive Summary

1.1 This policy sets out the fees that the Council will charge for a variety of licensing functions for park home sites including new site licences, annual site licences and amendments to existing licences.

1.2 There are 45 licenced park home sites in Dorset with approximately 1850 mobile homes representing about 1% of the total housing stock (Census 2011 ONS). Mobile homes are considered an affordable housing option for older people with many sites providing a secure (gated) community environment, many in attractive areas of Dorset close to ANOB and other protected environments. Most park homes sites have rules that restrict occupancy to older people, 98% of residents taking part in a recent consultation stated they were over 50 years of age.

1.3 A public consultation was carried out earlier this year to seek the views of site owners and residents about the fees. 98 responses were received to the consultation which is considered a high return. Most responses were from residents, one from a resident's association and one from a site owner. It was noted that annual site licence fees (which may be passed on to residents through ground rent) disproportionately affected smaller sites and following some reanalysis the cost was adjusted down on these sites to make them more comparable to larger sites.

2. Financial Implications

The fees are calculated based on the officer time required to administer the regime, as a result the overall income received by adopting this policy will not significantly change from that of previous years. (2019/20 annual fees charged was £12,759). This policy will be reviewed on a 3 yearly basis to ensure that any profit or loss incurred in that period is reflected in future fees.

3. Well-being and Health Implications

The Council carries out several functions on park home sites that help ensure the health and wellbeing of residents. The Council works proactively with site owners to ensure that they are safe and that the amenity of residents is maintained. Activities include regular site inspections, joint visits with other agencies such as

Dorset and Wiltshire Fire and Rescue Service, investigation of complaints, providing residents and owners with advice and guidance, administration of new site licences, the lodging of site rules and administering fit and proper person applications.

4. Climate implications

There are no identified implications for climate change associated with this report.

5. Other Implications

There are no other identified implications associated with this report.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. Equalities Impact Assessment

The policy has been subject to consultation with the Dorset Council Equality & Diversity Action Group. No negative impacts were identified for any protected characteristic. The assessment is attached as **Appendix 2** of this report.

8. Appendices

- 1. Park Home Fees Policy**
- 2. Equality Impact Assessment**

9. Background Papers

- 9.1 The Mobile Homes Act 2013 – a Guide for Local Authorities on Setting Licence Fees and Mobile homes:
<https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees>
- 9.2 A guide for local authorities on setting fees for the fit and proper person test <https://www.gov.uk/government/publications/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities/mobile-homes-a-guide-for-local-authorities-on-setting-fees-for-the-fit-and-proper-person-test>

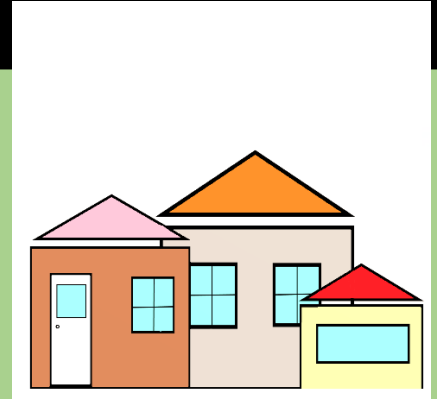
Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.



Dorset
Council

Park Homes Fees Policy
(Draft to be added upon
Council approval)



1. Park Homes Fees Policy Summary

1.1 Introduction

This policy sets out the fees for “Relevant Protected Sites” (Park Home Sites), how they calculated and reviewed in the future. Table 1 below is a summary of the fees the Council will charge. The fees are calculated with reference to published guidance to local authorities.

Table 1 Summary of the Fees charged on Relevant Protected Sites in Dorset.

New Park Home Licence	£753 (per licence)
Annual Licence Fee per site	Bands 1 - 5
Band 1 (1-10)	£81
Band 2 (11- 35)	£134
Band 3 (36-71)	£274
Band 4 (71 – 106)	£442
Band 5 (107 - 142)	£552 (Thereafter additional £114 per multiple of 35 units)
Minor Amendment of a Licence	£45
Major Amendment of a Licence (Including change of ownership, change conditions or site layout)	£156
Deposit of Site Rules	£50 (per set of rules)
Application to the Fit and Proper Person Register	£257 per application
Additional conditions applied to an applicant to be registered as a fit and proper person	£57

1.2 Exemptions to this policy

Sites exempted from this policy are those that are;

- for holiday use only
- are only allowed to have caravans stationed on them at certain times of the year
- not “relevant protected sites”

1.3 Enforcement Fees

Enforcement fees are not included in this policy. The Council may reasonably charge for the costs incurred in carrying out enforcement on Relevant Protected Sites, such as the service of compliance notices. These costs and how they will be administered are set out in the Dorset Council Private Sector Housing Enforcement Policy.

2. About the Policy

2.1 Setting Fees

The Caravan Sites and Control of Development Act 1960 introduced a licensing system for park home sites. The Mobile Homes Act 2013 amended this legislation and allowed Councils to charge fees for certain activities including:

- Applying for a new site licence
- Transferring an existing licence
- Revising site licence conditions
- Annual licence fee.
- Depositing site rules

Site owners may recover the cost of annual fees through an increase in pitch fees if they choose to do so. Fees have been calculated with reference to guidance: [The Mobile Homes Act 2013 – a Guide for Local Authorities on Setting Licence Fees](#) and [Mobile homes: a guide for local authorities on setting fees for the fit and proper person test](#)

2.2 Publishing a policy and how the fees are calculated

The Mobile Homes Act 2013 requires Dorset Council to publish a policy for these fees and show how they were reasonably calculated. Appendix 1 in this this policy shows how the fees were calculated on a cost recovery basis. The relevant considerations include; administering applications, issuing licences, carrying out annual inspections, stationery costs, postage, and time spent consulting with other organisations, legal advice, licensing software and travel costs.

2.3 Review of Fees

Fees will be amended annually in line with other Council fees to take into account inflation. The policy and the fees contained within it will be reviewed at three-year intervals from the date of adoption with adjustments made up or down accordingly if a deficit or surplus has been accrued.

2.4 Enforcement activities not included

The Council may from time to time take enforcement action to remedy breaches of site licence conditions. Charging rates and the considerations considered do not form part of this policy.

2.5 Site Rules

Site rules are an agreed set of rules for a specific site and are made between the site owner and the residents of a park. Site rules are not the same as site licence conditions and not all sites have adopted a set of site rules. Properly agreed site rules may be deposited with Dorset Council and are made available to view upon request. A fee for depositing site rules is set out in this policy.

2.6 Fit and Proper Person

Regulations regarding a register of fit and proper persons for managing relevant protected sites was published in June 2021. All site owners or persons wishing to manage sites must apply to register by September 2021.

3. Fees

3.1 New Site Licence Fee

The Council will charge a fee of £753 in respect to a new application for a Relevant Protected Site licence. See Appendix 1 for cost calculations.

3.2 Annual Licence Fees

The Council will charge an annual licence fee based on the banding of sites in Dorset into five categories. The band range is shown in Table 2.

Table 2. Banding of sites	
Number of mobile homes	Band
1-10	Band 1
11- 35	Band 2
36-71	Band 3
71 – 106	Band 4
107 - 142	Band 5
Sites greater than 142 homes: thereafter any sites larger than 142 will pay an additional amount per multiple of 35 homes	

Fees are calculated using the template shown in Appendix 1 and relate to the time taken to perform various steps in issuing the annual licence. As sites increase in size the average time taken to administer the annual site licence increases. Thus, banding site fees is a fairer way of attributing the cost incurred by the Council. The cost of an annual licence for each band is shown in Table 3.

Table 3: Annual Site Licence Fee	Cost of Licence
Band 1 (1-10)	£81
Band 2 (11- 35)	£134
Band 3 (36-71)	£274
Band 4 (71 – 106)	£442
Band 5 (107 - 142)	£552
(For sites larger than 142 an additional £114 per multiple of 35 units)	

(Total fees are rounded to the nearest pound)

3.4 Charging of Annual Site Licence Fees.

The Council intends to invoice each Relevant Protected Site in August of each year. The amount payable will cover the Annual Licence Fee for the calendar year the invoice was raised in.

3.5 Transfer or Amendment of a Licence

The Council will charge two fees to amend a licence.

- A minor amendment fee of £45 will be charged where the amendment is trivial, has no material effect to the licence and does not require an officer to visit the site.
- A major amendment fee of £156 will be charged if the work required to carry out the amendment takes significantly longer to complete. This would include for example a change of ownership request, site boundary change or request to amended conditions. See Appendix 1 for cost calculations.

3.6 Deposit of Site Rules

Councils are required to deposit site rules that have been properly adopted by relevant protected sites using the prescribed process. Copies of individual deposited site rules will be provided by the Council upon request. The Council will charge a fee of £50 to deposit a set of site rules.

3.7 Application to the fit and Proper Person register.

3.7.1 About the regulations

The Mobile Homes (Requirements for Manager of Site to Fit and Proper) (England) Regulations 2020 introduced an assessment to ensure that the person responsible for managing a “Relevant Protected Site” (a park home site) is suitable and of good character, and as such does not pose a risk to the welfare or safety of persons occupying mobile homes on the site.

It is an offence for a site licence holder to operate a park home site unless they, or their appointed manager, are a fit and proper person.

3.7.2 New Applications

Forms to apply for new applications to the Register can be downloaded from the Council's website. Completed application forms should be sent to Dorset Council, Housing Standards Team, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ

Or emailed to: caravantentparksite@dorsetcouncil.gov.uk

For existing sites, applications must be made by midnight on 30 September 2021.

3.7.3 Other Applications

Site owners have 3 months to make an application if the circumstances relating to the nominated fit and proper person change in relation to an existing caravan site, for example:

- If there is a transfer of a site licence
- If there is a change in management of a site
- If a person has been removed from the register by the local authority

3.7.4 Fees

The fee accompanying every application is £257

Yearly fee for existing entry on the Fit and Proper Persons register:

- £0 standard conditions only
- £57 for each additional specific condition
- In the event the Local Authority appoint a site manager, all reasonable costs incurred in making the appointment will be recovered.

3.7.5 What will be considered

To be sure that the relevant person is a fit and proper person to manage the site, and to add them to the register, The Council will consider:

1. the owners past compliance with the site licence
2. the long-term maintenance of the site
3. whether the person has a sufficient level of competence to manage a site
4. the management structure and funding arrangements for the site or proposed management structure and funding arrangements

We also consider whether the relevant person:

1. has the right to work within the UK
2. has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)
3. has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law
4. has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
5. has harassed any person in, or in connection with, the carrying on of any business
6. has had an application rejected by any other local authority
7. is or has been personally insolvent within the past 10 years
8. is or has been disqualified from acting as a company director within the last 10 years

We will also consider the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis), if it appears that person's conduct is relevant. We will also consider any evidence/information on any other relevant matters.

Appendix 1 Calculation of Fees

All fees are rounded to the nearest pound. Detailed breakdown of time and activity is available on the Council's website.

A New Site Licence: The factors that have been considered in calculating on average a new site licence fee are as follows:

Calculation of New Licence Fee	Hours	Rate	Sub Total
Team Leader/ Senior EHO	18.5	38.29	£708.37
Housing Technical Support Officer	2.0	22.34	£44.68
			£753.05

The Annual Licence Fee: The factors that have been considered in calculating the average annual site licence fee for each band are as follows:

Calculation of Licence Band	HTO hrs	Rate	Sub Total	Management	Rate	Sub Total	Total Fee rounded to nearest pound
Band 1	3.333	22.34	£74.47	0.167	38.29	£6.38	£81
Band 2	5.583	22.34	£124.73	0.250	38.29	£9.57	£134
Band 3	11.000	22.34	£245.74	0.750	38.29	£28.72	£274
Band 4	18.083	22.34	£403.98	1.000	38.29	£38.29	£442
Band 5	22.417	22.34	£500.79	1.333	38.29	£51.05	£552

Amendments to Licences

Calculation of minor amendment fee	Hours	Rate	Total
Housing Technical Support Officer	1.6	22.34	£35.37
Team Leader/ Senior EHO	0.25	38.29	£9.57
Total			£44.94

Deposit site rules

Lodge site rules	Hours	Rate	Total
Housing Technical Support Officer	1.8	22.34	£40.96
Team Leader/ Senior EHO	0.25	38.29	£9.57
Total			£50.53

Fit and Proper Person

Fit and Proper Person Application	Hours	Rate	Total
Technical Support Officer	2.8	£22.34	£62.55
SEHO/Team Leader	4.3	£38.29	£164.65
			£227
Administration and management oversight +15% (Cost of printing, postage, management oversight, further reporting)	Total		£257

Additional specific conditions

Additional specific condition	Who	How long (Mins)	How long in hrs	Grade	Hourly rate	Total
Check site records (e.g. site licence compliance and long term maintenance of the site).	SEHO	45	0.8	13	£38.29	£29
Draft/Review Specific Condition	SEHO	45	0.8	13	£38.29	£29
Total						£57

Equality Impact Assessment (EqIA)

Before completing this EqIA please ensure you have read the guidance on the intranet.

Initial Information

Name:	Richard Conway
Job Title:	Service Manager Housing Standards
Email address:	Richard.conway@dorsetcouncil.gov.uk
Members of the assessment team:	
Date assessment started:	
Date of completion:	
Version Number:	V2

Part 1: Background Information

Is this (please tick or expand the box to explain)

Existing	
Changing, updating or revision	✓
New or proposed	
Other	

Is this (please tick or expand the box to explain)

Internal (employees only)	
External (residents, communities, partners)	✓
Both of the above	

What is the name of your policy, strategy, project or service being assessed?

Park Home Fees Policy

What is the policy, strategy, project or service designed to do? (include the aims, purpose and intended outcomes of the policy)

This policy sets out the fees the Council will charge for functions under the Mobile Homes Act 2013. The policy covers park home sites also known as relevant protected sites as defined by the Act but does not cover holiday caravan or tented sites.

The policy includes fees for:

1. New Park Home Licence
2. Annual Park Home Licence
3. Amendments to existing park home licences
4. Lodging of Park Home Site Rules
5. Fit and Proper Person application

The policy states how fees are calculated and how they will be reviewed in the future.

What is the background or context to the proposal?

The Mobile Homes Act 2013 introduced a regime where Councils could charge for a number of activities, they carry out on park home sites. In order to charge fees, the council must have adopted a policy to show how they will calculate and charge these fees.

Legacy policies and public consultation: When Dorset Council was formed in 2019 four different policies novated from the legacy district and borough councils. These policies now cease to have effect and must be replaced by a new single policy for Dorset.

Fees are paid by site owners however residents may have a proportion added to their annual “pitch fee”. Guidance on how annual fees are calculated allows different methodologies to be used thus allowing councils to adopt the most appropriate for their area. The four legacy policies used different methodologies and there was significant variance in how fees were calculated across Dorset. The aim of the new policy is to introduce a single method of calculation. This meaning that this year some site fees for similar sized sites will rise whilst others will fall, the overall income received from fees remains unchanged.

The actual amount potentially charged to each resident (by the site owner) for the annual fee is small (on average under £10 per year) a public consultation has been carried out to allow residents and site owners to give their views and for officers to understand the impact of the new policy.

New Regulations came into force in June 2021 mean that all owners and persons managing park home sites must now apply to be added to a “fit and Proper Person” register administered by the Council.

Part 2: Gathering information

What sources of data, information, evidence and research was used to inform you about the people your proposal will have an impact on?

Information about the park home stock and the opinions of park home residents and site owners in Dorset is primarily from historical surveys, national statistics, local knowledge and local statistics gathered in the course of administering site licences on sites.

In 2010 a survey of all park home sites in Dorset was conducted specifically looking at the condition and levels of insulation in park homes. This survey also gathered information about the age and financial status of residents living on sites.

In March 2021 a public consultation was carried out by Dorset Council seeking the views of stakeholders on the impact of the policy whilst gathering information about the age, gender and ethnicity of respondents.

What did this data, information, evidence and research tell you?

About the Sites

- There are currently 45 licenced park home sites in Dorset with approximately 1850 mobile homes situated on them. This equates to just over 1% of the total housing stock in Dorset (Census 2011 ONS).
- Mobile homes are considered as an affordable housing option for older people. Many park home sites provide a secure (gated) community environment and many are in attractive areas of Dorset close to ANOB and other protected environments.
- Virtually all mobile homes are owned by residents who rent a plot from the site owner. Legislation provides residents with security of tenure on their plot, specific protection from harassment similar to that protecting tenants in rented “bricks and mortar” properties.
- All 45 mobile home sites (defined as “Relevant Protected Sites” by the Mobile Homes Act 2013) are currently licenced by the Council.
- Each site licence contains conditions related to the maintenance of standards and safety on sites.

About the residents

- 88% of residents reported they were over 60 years of age (Site Consultation 2010 Legacy Councils). In 2021, 97.8% of residents reported they were older than 55 years of age. (Consultation 2021 Dorset Council)
- 45% were in receipt of a means tested benefit (Consultation 2010)
- 12% of respondents said they had a disability, the average for Dorset being 5% (Consultation 2021 Dorset Council)
- 96.7% of respondents to the consultation in 2021 identified as white British, 1.1% identified as “other ethnic group”

About the policy

The Council is legally allowed to recoup the cost of administering the park home licensing function. The policy brings together several legacy policies of the former district and borough councils so that will be consistency across Dorset. This means in some areas, fees may rise and in others they may fall compared to how they were previously calculated. Overall there is will be no significant change in the total income the Council receives from administering this function.

The policy also includes new requirements for site owners and the managers of sites to apply to be added to the fit and proper person register administered by the Council.

Is further information needed to help inform this proposal?

It is considered that the Council has enough information to inform this proposal.

Part 3: Engagement and Consultation

What engagement or consultation has taken place as part of this proposal?

A public consultation was carried out between 1 February 2021 until 21 March 2021. The consultation consisted of:

- An online consultation survey (also available in paper format) and larger print if requested.
- A landing page on the Council's website giving information about the consultation and a link to the survey.

A communication plan was implemented to publicise the consultation.

The lead member for Licensing provided a press release and various social media releases were made over the time the consultation was live.

Site owners were each sent a printable poster to place on site notice boards

Site owners were contacted by email and letter with a link to the survey.

All residents living in registered addresses on existing park home sites in Dorset were sent a letter informing them about the consultation.

About the consultation

98 responses were received to the consultation which is considered a high return. Most responses were from residents, one from a resident's association and one from a site owner. The consultation report is provided as an appendix to this EQIA.

Representations were received from 1 or more residents on 26 of the 45 sites in Dorset.

- There was a small majority in favour of the policy overall (all those residents opposing the policy (33) lived on sites where the site fee would rise).
- There was a majority in favour of each of the proposed fees.
- There was a majority in favour of how the annual licence fee was calculated (banding sites into 5 groups)
- Concerns were raised by several respondents opposed to the annual fee structure that smaller sites paid proportionately more than larger sites.
- It was proposed that more bands should be added to "smooth out" the impact to residents on smaller sites.

Changes to the proposed policy:

Comments were received that residents on small sites would pay more than those on large sites. As a result, the fees have been reviewed resulting in Bands 1 and 2 (smaller sites) being reduced. Band 3 remaining unchanged, Bands 4 and 5 being increased. The result of this change means that most residents will on average be charged £4 - £6 annually.

The 5 bands and the size of each band has remained the same, but the cost of each band has been amended.

How will the outcome of consultation be fed back to those who you consulted with?

It is intended that once the policy is approved and implemented a newsletter will be sent to all residents outlining the new policy and including other matters related to the management of park homes sites in Dorset.

Please refer to the Equality Impact Assessment Guidance before completing this section.

Not every proposal will require an EqIA. If you decide that your proposal does **not** require an EqIA, it is important to show that you have given this adequate consideration. The data and research that you have used to inform you about the people who will be affected by the policy should enable you to make this decision and whether you need to continue with the EqIA.

Please tick the appropriate option:

An EqIA is required (please continue to Part 4 of this document)	✓
An EqIA is not required (please complete the box below)	

This policy, strategy, project or service does not require an EqIA because:

Name:

Job Title:

Date:

Please send a copy of this document to [Diversity & Inclusion Officer](#)

Next Steps:

- The EqIA will be reviewed by Business Intelligence & Communications and if in agreement, your EqIA will be signed off.
- If not, we will get in touch to chat further about the EqIA, to get a better understanding.

Part 4: Analysing the impact

Who does the service, strategy, policy, project or change impact?

- If your strategy, policy, project or service contains options you may wish to consider providing an assessment for each option. Please cut and paste the template accordingly.

For each protected characteristic please choose from the following options:

- Please note in some cases more than one impact may apply – in this case please state all relevant options and explain in the ‘Please provide details’ box.

Positive Impact	<ul style="list-style-type: none"> • the proposal eliminates discrimination, advances equality of opportunity and/or fosters good relations with protected groups.
Negative Impact	<ul style="list-style-type: none"> • Protected characteristic group(s) could be disadvantaged or discriminated against
Neutral Impact	<ul style="list-style-type: none"> • No change/ no assessed significant impact of protected characteristic groups
Unclear	<ul style="list-style-type: none"> • Not enough data/evidence has been collected to make an informed decision.

Appendix 2

Age:	<i>Choose impact from the list above</i>
What age bracket does this affect?	People aged 55 and over Neutral Impact
Please provide details:	Park home sites across Dorset generally have rules that permit only people above 55 to be in residence. For sites where annual fees are passed on to residents, there will be small changes to the amount charged annually. The policy has been amended to reduce the impact on those living on smaller park home sites.
Disability: (including physical, mental, sensory and progressive conditions)	<i>Choose impact from the list above</i>
Does this affect a specific disability group?	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Gender Reassignment & Gender Identity:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Pregnancy and maternity:	Neutral Impact
Please provide details:	See above regarding age restrictions on park home sites.
Race and Ethnicity:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Religion or belief:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Sexual orientation:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Sex (consider both men and women):	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic

Appendix 2

Marriage or civil partnership:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Carers:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Rural isolation:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Single parent families:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Social & economic deprivation:	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic
Armed Forces communities	Neutral Impact
Please provide details:	The policy has been assessed to have no significant impact on this protected characteristic

Part 5: Action Plan

Provide actions for **positive**, **negative** and **unclear** impacts.

If you have identified any **negative** or **unclear** impacts, describe what adjustments will be made to remove or reduce the impacts, or if this is not possible provide justification for continuing with the proposal.

Issue	Action to be taken	Person(s) responsible	Date to be completed by
Desire for residents to be kept informed on licensing issues	A newsletter will be drafted and sent to sites post implementation of the policy. The newsletter will cover the issues raised by residents in the consultation and other ongoing issues related to park home site management.	Richard Conway	1.1.22
Keeping the policy up to date	The policy will be formerly reviewed on a 3 yearly basis	Richard Conway	September 2024

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EqIA Sign Off

Officer completing this EqIA:	Richard Conway	Date:	16.8.21
Equality Lead:		Date:	
Equality & Diversity Action Group Chair:		Date:	

Next Steps:

- Please send this draft EqIA to: [Diversity & inclusion Officer](#)

Appendix 2

- The report author will be invited to an Equality & Diversity Action Group (these are held monthly - dates are available on the intranet)
- The Equality & Diversity Action Group will review the EqIA and you may be asked to make some alterations
- EqIAs are signed off and published
- The report author is responsible for ensuring any actions in the action plan are implemented.

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Licensing Committee 17 November 2021 Taxi Licensing Policy

For Decision

Portfolio Holder:	Non-Executive Function
Local Councillor(s):	Relevant to all Dorset Council Members
Executive Director:	J Sellgren, Executive Director of Place

Report Author: John Newcombe
Title: Service Manager for Licensing & Community Safety Operations
Tel: 01305 838027
Email: john.newcombe@dorsetcouncil.gov.uk

Report Status: Public

Recommendations:

- 1) To review the responses received during the consultation period.
- 2) To consider the comments received from Place and Resources Overview Committee.
- 3) To consider the key issues raised during consultation and agree proposed amendments to the draft Taxi Licensing Policy.
- 4) To approve the draft Taxi Licensing Policy for adoption and;
- 5) To agree the implementation date for the new policy to have effect.

Reason for Recommendations:

- 1) To ensure openness and transparency in the Council's decision making, and
- 2) To ensure that those persons affected by the policy are given the opportunity to have an input into it.
- 3) To seek to ensure the safety of the public and support the fair operation of the trade.

1. Executive Summary

The Council, as Licensing Authority under the Town Police Clause Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, requires a single policy to provide consistency across the whole Council area. Currently, there are four policies in operation inherited from predecessor councils. The purpose of the policy is to define how the Council will exercise its responsibilities under both Acts. The draft policy has been prepared by officers after consideration of responses from several focus groups. The draft policy has been considered by the Licensing Committee and published, in draft format, for a period of public consultation, which ran for 12 weeks, starting on Monday 28 June and closing on Sunday 19 September 2021.

The draft policy went before the Place and Resources Overview Committee for comments on 19 October 2021. A summary of the comments received is attached at Appendix C.

A summary of responses received during the public consultation as well as comments received from Place & Resources Committee are included within the report and the draft policy updated with a number of amendments for consideration prior to adoption.

2. Financial Implications

The funding for the preparation and consultation of the draft policy came from existing budgets and there are no further financial implications arising from the recommendations of this report.

3. Health and Well-being Implications

The Taxi trade performs an important role in the health and wellbeing of Dorset residents, providing essential transport, particularly for disabled persons and children with special educational needs who do not have access to other forms of public transport and these matters are addressed within the draft policy. The rural nature of Dorset makes the effective operation of the taxi trade particularly important.

4. Climate implications

Encouragement of electric and low emission vehicles have an important role to play in the Council's climate emergency aspirations and both are addressed within the draft policy. There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

5. Other Implications

There are no implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:
Current Risk: Low
Residual Risk: Low

7. Equalities Impact Assessment

An Equalities Impact Assessment has been prepared and is attached as Appendix E to this report.

8. Appendices

- Appendix A Consultation Response Report
- Appendix B Consultation Response Appendix and Survey
- Appendix C Comments from Place & Resources Overview Committee
- Appendix D Revised Draft Taxi Policy
- Appendix E Revised Draft Equalities Impact Assessment
- Appendix F Dorset Council Advertising and Sponsorship Guidelines
- Appendix G Dorset Disability Equality Forum Consultation Response

9. Background Papers

[Town Police Clauses Act 1847](#)

[Local Government Miscellaneous Provisions Act 1976](#)

[Department for Transport Statutory Taxi and Private Hire Guidance \(July 2020\)](#)

[Institute of Licensing - Safe and Suitable](#)

[Department for Transport Taxi and Private Hire Best Practice Guidance \(March 2010\)](#)

[FTA National Inspection Standards \(August 2012\)](#)

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

10. Background

10.1 The Department for Transport (DfT) recommends that Licensing Authorities have a publicly available document that brings together all the procedures on taxi and private hire licensing.

10.2 The overriding objective of the policy is to protect the public.

10.3 The DfT recommends that taxi policies are reviewed every five years, with interim reviews carried out if significant issues arise during the five years.

10.4 The activities that are regulated cover the licensing of: -

- Hackney carriage vehicles
- Hackney carriage drivers
- Private hire vehicles
- Private hire drivers
- Private hire operators

Taxis are hackney carriages and are licensed to pick people up from the roadside, i.e. hailing a cab. Private hire vehicles are only permitted to pick up pre-arranged bookings and are not permitted to pick people up from the side of the road.

10.5 The taxi policy has been prepared with regard to, and sought to integrate with, the following Council strategies:

- Dorset Council Plan
- Dorset Council Community Safety Plan
- Dorset Council's Economic Growth Strategy
- Dorset Council's Enforcement Policy

10.6 This is Dorset Council's first Taxi Licensing Policy and officers have prepared the draft policy with reference to the predecessor council policies and also through engagement with key stakeholders and interested parties through focus groups carried out through March 2021.

10.7 Prior to the formation of Dorset Council, each of the predecessor District and Borough Councils had their own Taxi Licensing Policies setting out how they would process hackney carriage and

private hire matters. Due consideration of these policies has been taken when drafting the Dorset Council Taxi Policy and areas of good practice have been retained and developed.

- 10.8 The new policy will be supported by a new fee structure for applications that will look to consolidate the current fees to ensure the income raised covers the cost of the taxi licensing function.
- 10.9 The public consultation ran for a period of 12 weeks, starting on Monday 28 June and closing on Sunday 19 September 2021. The consultation included consulting with and considering the views of a wide range of individuals and organisations including:
- All current licence holders
 - Local residents
 - Local Councillors
 - Parish and town councils
 - Local members of parliament
 - Dorset Police
 - Dorset Council – Adults Services
 - Dorset Council – School Contracts Service
 - Dorset Council – Highways
 - Dorset Council – Children’s Services
 - Dorset Council – Legal Services
 - Dorset Council - Fleet
 - Neighbouring Authorities
 - Dorset Disability Forum
- 10.10 There were a total of 64 responses received during the consultation, with 35 respondents completing the online and paper surveys and a further 29 respondents contacting the licensing team via email.
- 10.11 The consultation team have prepared a report containing all of the responses received as part of the consultation and a summary of the responses is attached at Appendix A and B. Officers have considered each of the responses and have recommended a number of amendments to the draft policy, where appropriate, or given reasons why suggested alterations are not made and a revised draft policy is before committee for consideration prior to adoption.
- 10.12 The committee are asked to consider the consultation responses and the proposed amendments contained within the revised Draft Taxi Licensing Policy before adoption.
- 10.13 The following relevant issues were raised during the consultation process and the draft policy revised as considered appropriate; Only sections which have received comments and/or where amendments have been made have been included within the table. The Draft Taxi Licensing Policy has also been before Place and Resources Overview Committee for comment, on 19 October 2021 and the draft policy revised as considered appropriate in light of those issues raised during the meeting.
- 10.14 The Equality Charter contained within the Draft Policy (Page 28 Appendix A) has also been subject to a significant number of revisions following valued input from Dorset Disability Equality

Forum (appendix G). The comments received from the Forum will also help to shape the training modules and accessibility programme currently in progress.

<p>Section 1</p>	<p>The draft policy has been amended at 1.3 to include the immediate introduction of the Criminal Conviction Policy and the remainder to the policy to come into force on 1 April 2022 which will give time for a smooth transitional period and enable further work to take place in relation to appointing a sufficient number of approved garages, the setting of maximum tariffs and establishing the training modules.</p>
<p>Section 2 – Consultation report pages 11-14 Appendix A</p>	<p>Protection of Children The draft policy has been amended at 2.4 Following comments received the term ‘CSE’ (Child Sexual Exploitation) has been replaced with the term ‘Safeguarding’. Additional reference to Domestic Abuse Awareness training has been added at 2.5</p> <p>Equalities Following input from the Dorset Disability Equality Forum (Appendix G) the Equality Charter (Page 28 Appendix A within the policy) has been significantly revised. Some minor changes have also been made to the policy at 2.8. Officers are not proposing to amend the policy further in light of additional comments received relating to this section during the consultation. The concept of having an additional number of training modules available is to ensure that training of sufficient quality is available to the taxi trade. If all of the proposed modules were condensed into the Safeguarding Course this would potentially dilute the content and purpose of that course. The purpose of providing courses and accreditation is to encourage the upskilling of drivers and to give confidence to passengers. All additional courses can be undertaken on a voluntary basis so there will be no mandatory additional costs. All training course costs will be kept to a minimum for those who wish to participate and the Council will not benefit financially from the introduction of additional courses.</p> <p>Suitable Vehicles There has been a mixed response to this section of the draft policy and potentially some misinterpretation of the proposals. There is no requirement in the policy to change to electric vehicles, merely support for a joined-up approach with other Council departments. An introduction of a mandatory age or mileage limit for vehicles would be arbitrary and whilst it may be viable in an urban area, with high demand, to replace vehicles frequently, there are significant areas of Dorset that are rural with low, but vital, demand for licensed vehicles which could make them economically unviable. The policy relies on a robust inspection regime which will ensure that all vehicles, regardless of age, or mileage are safe for use as a taxi. An area where officers agree an amendment to the draft policy is in relation to inspections for new vehicles and an amendment to section 2.39 is proposed for consideration in relation to removing the requirement for 6 monthly inspections for vehicles 12 months of age or under.</p>

Insurance Write Offs

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not see any compelling justification to amend the draft policy at this time.

Zones

There has been a mixed response to this section of the draft policy and potentially some misinterpretation of the proposals. 50% of respondents supported the proposed zoning arrangements, 33% had concerns and 16.7% were unsure. However only 30 responses in total have been received out of approximately 1500 licence holders and officers feel that the proposed zoning regime is the best option at this present time. The Committee may wish to consider alternative proposals in light of the responses received and the alternatives are outlined for consideration;

- a) Retain all of the existing zones of the predecessor Council areas. This option would be the most expensive as the licensing team would need to issue 5 different sets of licences and enforce the regulations in each zone. This could also prove confusing to the travelling public and potentially cause problems in administration and enforcement.
- b) Remove all existing geographical zoning arrangements to create one zone for the whole Dorset Council area. Whilst this would offer some benefits in terms of administration costs, it would potentially cause issues for Weymouth and Portland Hackney Carriage Proprietors as they have recently paid for an unmet demand survey to support the retention of a limit on the number of Hackney Carriage Vehicles. There would also need to be a review and subsequent investment of the number of available stands for Hackney Carriages to use. Officers would also need to prepare an additional consultation on this proposal should the Committee consider it an option in order to seek the views of the trade and travelling public as it is a significant deviation from the original draft policy.
- c) To continue with the proposals contained within the draft policy with a review in 3-years' time when a new unmet demand survey will be required for the Weymouth & Portland zone. (Recommended option).

Types of Licence

The proposal for a combined licence is of benefit to both the administrative function and also to the licence holder themselves. There would be no increase to the applicant of issuing a combined licence and the driver would not need to apply for an additional licence should they switch from Hackney Carriage to Private Hire (or vice-versa). The Committee may wish to add in an option for drivers to request either a separate Hackney Carriage Drivers Licence or a Private Hire Drivers Licence should they wish to, however the cost savings for the driver would be minimal (and potentially increase if they later switch) and the administrative burden would also be increased. Officers do not see a compelling reason to amend the policy but it is available as an option should it be felt required.

Decisions

IoL Safe and Suitable (guidance on determining the suitability of applicants and licensees in the hackney and private hire trades) is being adopted by a significant number of Local Authorities to ensure consistency across the UK. It is what the Statutory Standards are based on, and they have legal standing as Guidance we must have regard to and only depart from if there are compelling reasons to do so. Officers recommend that they are brought in without delay to bring consistency across the predecessor areas as existing standards vary greatly. The Committee will be aware that we have been using Safe and suitable standards already in our decision making. The Committee may consider that all aspects of the policy should be implemented at the same time however, which is currently proposed for 1 April 2022.

Fares

Legislation requires that the Licensing Authority sets the maximum tariff chargeable and individual operators are free to charge as they wish within these maximum limits. The setting of a standard rate applicable to all vehicles would, in the opinion of officers, be ultra-vires, that is to say outside of the legal jurisdiction of the Licensing Authority. The setting of fees is a separate exercise which will be conducted prior to the implementation of the bulk of this policy on 1 April 2022. All licence holders, as well as the public will have an opportunity to have input into and comment on the draft proposals as part of a separate consultation prior to 1 April 2022. Concerns over 'price wars' can be countered by 'free market economics' and healthy competition between service providers.

Licensed Vehicles should be easily identifiable

There has been a mixed response to the proposal for 'pre booked only' signs on the passenger doors of private hire vehicles and the Committee may wish to amend the policy to allow for exemption applications to be considered for wedding vehicles and other vehicles where such signage would be deemed inappropriate or unnecessary. Officers of the opinion that the additional signage is of benefit to both trade and the travelling public in that it identifies those vehicles which are not permitted to ply for hire. An additional amendment could be to allow such signage to be attached by way of magnetic plate, which could be removed when the vehicle is being used for private journeys.

Advertising

The Place and Resources Overview Committee, when reviewing the draft policy, made a recommendation that the Council's Advertising Standards should be applied to the taxi licensing policy. The policy is attached at Appendix F. The policy, if added as a condition, could be summarised within the policy and a link added to the web page where it can be accessed.

Codes

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time.

Complaint Handling

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time.

Inspections

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. The proposal on approved garages is to allow any garage that is approved to conduct MOT tests of the appropriate vehicle category to apply to conduct inspections, to the National Standard, on behalf of the Council. It is therefore anticipated that there will be an increased number of available garages and therefore locations to the current arrangements. The costs of inspection will be negotiated with service providers, and the Council will not seek to benefit financially from any pricing agreements negotiated.

Sharing Information

Officers have amended the policy at 2.42 to clarify the information that is likely to be shared with partner agencies.

CCTV and Dash Cams

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. The draft policy allows systems compliant with the Surveillance camera code of practice issued by the Home Office to be installed where required, however officers do not believe that a requirement to make them mandatory is justifiable at this time, nor do they believe that a specific type or model should be promoted over another.

Criminal Convictions and Rehabilitation

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. All of the current predecessor Council policies require enhanced DBS checks so there is no change proposed in this respect. The Licensing Authority is content that enhanced Disclosure is sufficient to inform decision making and justifiable for protecting the public, in line with National Standards and previous, well established practices.

Disclosure and Barring Service Checks (DBS checks)

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling

	<p>justification to amend the draft policy at this time. The proposals are considered sufficient to inform decision making and justifiable for protecting the public, in line with National Standards and previous, well established practices. The DBS update service, which licence holders are able to apply to join would reduce the cost of making an application every 6 months. The Council does not profit from DBS costs in any way.</p> <p>Dispatchers and Operators can deal with sensitive information and take bookings from vulnerable customers and children. It is therefore right and proper that they are also subject to disclosure, albeit at a reduced, basic level in line with current policy and practice. Notification of charges and convictions is already included elsewhere in the policy. The Licensing Authority is not content to rely on the Courts (Operated by Her Majesty's Courts and Tribunals Service (HMCTS)) for information relating to convictions as this has proved to be a far less reliable source of important information and subject to delay.</p> <p>Approved Garages Many of the responses have been covered at Inspections previously. The new policy takes a middle ground approach from the five predecessor councils. It seeks to remove any monopoly, allows garages across the district to apply to be approved, and controls the quality by them agreeing to test to the National Standards. The Licensing Authority will seek to appoint as many garages as possible during the recruitment process to give as great a choice as possible. An agreed maximum fee will be set and the Council will not benefit financially from the testing regime An obvious exception to this would be at a Council operated facility which will be free to charge within the same pricing structure as the rest of the available garages.</p>
<p>Section 3 Consultation report page18 Appendix A</p>	<p>Drivers Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. There were a total of six respondents to this section of the draft policy and the majority of comments relate to the frequency of medical examinations. The Licensing Authority is required to have consideration to potential issues around discrimination due to age on this issue, and they need to fit in with the licensing three-year cycle as that is when decisions are made as to whether someone is fit and proper. Driver Licences are issued every three years and a medical will be required at each renewal. Officers will review the operation of the policy in this area and explore the establishment of a system for obtaining updates from Doctors on a three-yearly basis – i.e. a declaration if anything changed. The Council will not benefit financially from medical examinations..</p> <p>The comments received relating to DBS disclosure relates to sharing information between school contracts and licencing – unfortunately the Licensing Authority are</p>

	<p>unable to share information internally as there are strict restrictions surrounding enhanced DBS information. School and other contracts are paid for by the Council and the price of any additional checking would ordinarily be factored into the quotes for the contracts.</p> <p>It would be discriminatory to retain any policy limiting drivers to over 21. The legislation states that they must have held a driving licence for at least a year so that will continue to be applied.</p> <p>The knowledge test regime will be adapted to suit the zonal system adopted.</p> <p>The Taxi Licensing service is operated on a cost recovery basis and the service does not seek to benefit financially in accordance with legislation.</p>
<p>Section 4 Consultation report page 18 Appendix A</p>	<p>Vehicles</p> <p>The majority of issues raised have been previously covered within this report apart from transfers and adult seat size. In relation to vehicle licence transfers, there is no mechanism within legislation for transferring licences between vehicles. The transfer referred to in the legislation is when a vehicle is sold between proprietors. A vehicle licence relates to the specified vehicle and licences and checks align with the purchase of any vehicle. Unfortunately there appears to have been an incorrect interpretation of the regulations governing vehicle licence transfers in a limited number of predecessor council areas for reasons relating to costs of new and renewal licences and number limits respectively and the draft policy seeks to bring policies and practices in line with legislation.</p> <p>The Committee may wish to consider an amendment to the policy relating to the provision of adult seats within vehicles, in that 'Vauxhall Zafira' (and other types) of vehicle are permitted to remain where already licensed but that any new vehicles must comply with the seat size requirements under the new policy (4.6)</p> <p>The Licensing Authority is aware of the need for additional charging stations for electric vehicles and is working with other departments in the Council and partner agencies in this respect.</p>
<p>Section 6 Consultation report pages 20 Appendix A and Appendix G</p>	<p>Equalities</p> <p>Officers are of the view that the issue of assistance dogs sitting on seats is a matter for the passenger, not the Licensing Authority to decide.</p> <p>Following input from the Dorset Disability Equality Forum (Appendix G) the Equality Charter (Page 28 Appendix A within the policy) has been significantly revised.</p> <p>Driver Code of Practice</p> <p>Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling</p>

	<p>justification to amend the draft policy at this time. Only one respondent had a comment on this, and officers do not feel that it is in keeping with the transactional, client focussed, service driven nature of this profession.</p> <p>Vehicle Code of Practice Officers appreciate that additional clarity may be required in this respect as the law on child restraints for children in taxis is different to private vehicles. The Committee may wish to add a link to government guidance relating to child seats in vehicles by referencing <u>Child car seats: the law: When a child can travel without a car seat - GOV.UK (www.gov.uk)</u></p> <p>Driver Licence Conditions The requirement for drivers to add their home address to receipts has been removed in light of safety concerns raised. Officers appreciate the comments received relating to driving convictions in this section and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. The section on Found Property has been updated to align with Dorset Police guidance.</p> <p>Vehicle Licence Condition Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time.</p> <p>Criminal Convictions Policy Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. The Rehabilitation of Offenders Act does not apply in relation to applications for taxi licences.</p>
Supplementary	<p>Other Comments for consideration Comments received regarding the Licensing Authority's complaint's process and complaints management have been gratefully received by officers and the current procedures are being reviewed which will aim to improve the way the Licensing Authority deals with complaints.</p> <p>Amendments relating to tax checks and other minor grammatical and numbering errors have also been corrected.</p>

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Taxi Licensing Policy **Consultation Response Report**

Produced by Consultation and Engagement Team
for Dorset Council

October 2021

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Taxi Licensing Policy

Consultation Response Report

<p>What was the consultation about?</p>	<p>Prior to the formation of Dorset Council, each of the predecessor District and Borough Councils had their policies setting out how they would process hackney carriage and private hire matters. Due consideration of these policies has been taken when drafting a new Dorset Council Taxi Policy and any areas of good practice have been retained and developed. The new policy will be supported by a new fee structure for applications that will look to consolidate the current fees to ensure the income raised covers the cost of the taxi licensing function. Fees and tariffs will be consulted and advertised separately to this policy prior to coming into force. The purpose of the consultation was to gather views on the draft new policy.</p>
<p>What did we need to find out</p>	<p>The draft policy sets out how Dorset Council will manage applications, make decisions about who can drive and what vehicles will be licenced, what is expected from those that are licenced and how the Council will deal with complaints. The policy will be used to assist officers, the Licensing Committee and Sub-Committees to make decisions that are fair, clear, and consistent. Further to this the council needs to find out if there are any unforeseen impacts of the policy, and if so whether these can be mitigated.</p>
<p>Over what period did the consultation run?</p>	<p>The consultation period ran for 12 weeks, from Monday 28th June to midnight on Monday 19th September 2021</p>
<p>What consultation methods were used?</p>	<p>The consultation involved an online and paper consultation survey. This included:</p> <ul style="list-style-type: none"> • Online survey. This included a free text section for people to add any other comments. • Paper surveys. <p>35 online survey responses were received (1 paper copy was input) and 29 separate email submissions were made.</p> <p>In developing the policy, the Licensing Team conducted two focus groups with drivers and one with an Equalities group. All licence holders were contacted via email or letter about the consultation at the start and two weeks later. This report just focuses on the responses to the online survey/consultation.</p>
<p>How many responses were received overall?</p>	<p>35 responses were received to the online survey. Respondents could select any options that applied to them and therefore could fall into several categories. 17.1% were hackney carriage owners, 22.9% private hire vehicle owners - one respondent owns both types. 20% drive hackney carriages, 31.4% drive private hire vehicles and 3 respondents drive both types. 20.0% were private hire operators and 14.3% stated that they were regular users of either hackney carriages or private hire vehicles. The 4 'other'</p>

	<p>individuals were: reader, Police, Retired Police & Coastguard and a trade representative at a national private hire and taxi association and in-vehicle CCTV specialist.</p> <p>51.4% stated they were residents of Dorset, but no further respondents reported that they resided elsewhere. 11.4% were a private business, all of whom gave their business official response and 1 respondent was also a third sector organisation.</p> <p>A further 29 responses were received via e-mail submissions where respondents set out their key comments and objections to the policy – 15 of these were a group of Hackney Carriage vehicle owners who offered near identical responses. Any differences in response were also noted. These are summarised at the end of the report.</p>
How representative is the response to the wider population?	<p>The response size is not unusual for a council consultation of this type however caution is still urged in how the results are interpreted. As this was an open survey it is not possible to define a statistically valid sample size. There was an uneven balance between males and females with 76% of responses from males and 19% from females. All respondents were over the age of 35, with half between the ages of 35 – 54, and a further third between 55 - 64. With 82% of the respondents saying their ethnic group was White British this is fairly typical of the wider population. Responses from disabled people were above average at 12.5% of responses compared to a Dorset figure of 5% based on those claiming either Disability Living Allowance, Personal Independence Payments or Attendance Allowance.</p>
Where will the results be published?	<p>Results will be published on the council's website www.dorsetcouncil.gov.uk</p>
How will the results be used?	<p>The results will be used to inform the development of the new Dorset Council Taxi Licensing Policy.</p>
Who has produced this report?	<p>Consultation and Engagement Team, Dorset Council, October, 2021</p>

Background

The consultation explained:

What we are proposing - The Draft Taxi Licensing Policy

This is Dorset Council's first Taxi Licensing Policy and Officers have prepared the draft policy with reference to the predecessor council policies and also through engagement with key stakeholders and interested parties through focus groups. Prior to the formation of Dorset Council, each of the predecessor District and Borough Councils had their policies setting out how they would process hackney carriage and private hire matters. Due consideration of these policies has been taken when drafting the Dorset Council Taxi Policy and any areas of good practice have been retained and developed. The new policy will be supported by a new fee structure for applications that will look to consolidate the current fees to ensure the income raised covers the cost of the taxi licensing function. Fees and tariffs will be consulted and advertised separately to this policy prior to coming into force.

You can view the draft Taxi Licensing Policy here ([link provided to respondents](#)).

The landing webpage also explained: The purpose of licensing drivers, vehicles, and operators for public or private hire is for the protection of the public who use this form of transport. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust that the driver is honest, competent, safe, and trustworthy, and that the car being used is suitable, safe, and well maintained. The draft policy sets out how Dorset Council will manage applications, make decisions about who can drive and what vehicles will be licenced, what is expected from those that are licenced and how the Council will deal with complaints. The policy will be used to assist officers, the Licensing Committee and Sub-Committees to make decisions that are fair, clear, and consistent.

Consultation

Respondents were advised that the purpose of this survey was for them to tell Dorset Council what you think about the draft Taxi Licensing Policy.

The consultation period ran for 12 weeks from Monday 28th June to midnight on Sunday 19th September 2021. Respondents were advised to contact the team via email or phone if they required the survey in an alternative format or wanted to respond in a different way. They could also download a paper survey. Some responses were received up until 4th October and these have been included.

A copy of the survey is available in the appendix.

Analysis method

Questions were considered on an individual basis. Overall responses were examined and specific responses of certain groups where possible. 29 respondents submitted individual submissions via email.

The main method of analysis was looking at the percentage of respondents who expressed a view on each question. Usually, for each open question the comments would be studied and coded for the main issues raised. As there are few responses, it is difficult to pull out common themes, therefore the comments are either provided verbatim or the

key issues bullet-pointed from longer responses – the full comments are available in an appendix and should be referred to.

For the 29 separate submissions, the key issues in each have been identified and, where possible, presented under the key headings of the policy.

Response Method

Overall, 35 responses were received through the online survey, 1 of which was a paper survey that was inputted. 29 separate submissions were received via e-mail directly to the service. 15 of these were from a group of Hackney Carriage vehicle owners operating in the Weymouth area who gave near identical responses.

About respondents

35 responses were received to the online survey. Respondents could pick as many options as applied to them to the first question.

Q Are you responding as:

Respondents:

	% of all respondents	Number
Hackney carriage proprietor (vehicle owner)	17.1	6
Hackney carriage driver	20.0	7
Private hire vehicle proprietor (vehicle owner)	22.9	8
Private hire driver	31.4	11
Private hire operator	20.0	7
Employee of a private hire company	0.0	0
Regular user of either hackney carriages or private hire vehicle	14.3	5
A resident of Dorset	51.4	18
A resident elsewhere	0.0	0
Private business	11.4	4
Public Sector organisation	0.0	0

	% of all respondents	Number
Third sector organisation (Voluntary groups, Community groups, Charities)	2.9	1
Councillor / Politician	0.0	0
Other	11.4	4

Respondents could select any options that applied to them. 17.1% were hackney carriage owners, 22.9% private hire vehicle owners - one respondent owns both types. 20% drive hackney carriages, 31.4% drive private hire vehicles and 3 respondents drive both types. 20.0% were private hire operators and 14.3% stated that they were regular users of either hackney carriages or private hire vehicles. The 4 'other' individuals were: reader, Police, Retired Police & Coastguard and a trade representative at a national private hire and taxi association and in-vehicle CCTV specialist.

51.4% stated they were residents of Dorset, but no further respondents reported that they resided elsewhere. 11.4% were a private business, all of whom gave their business official response, they were

- Steve's Cabs Ltd
- Eric's Taxis
- Southern Comfort Travel
- Purbeck Taxis and Purbeck Toastmasters

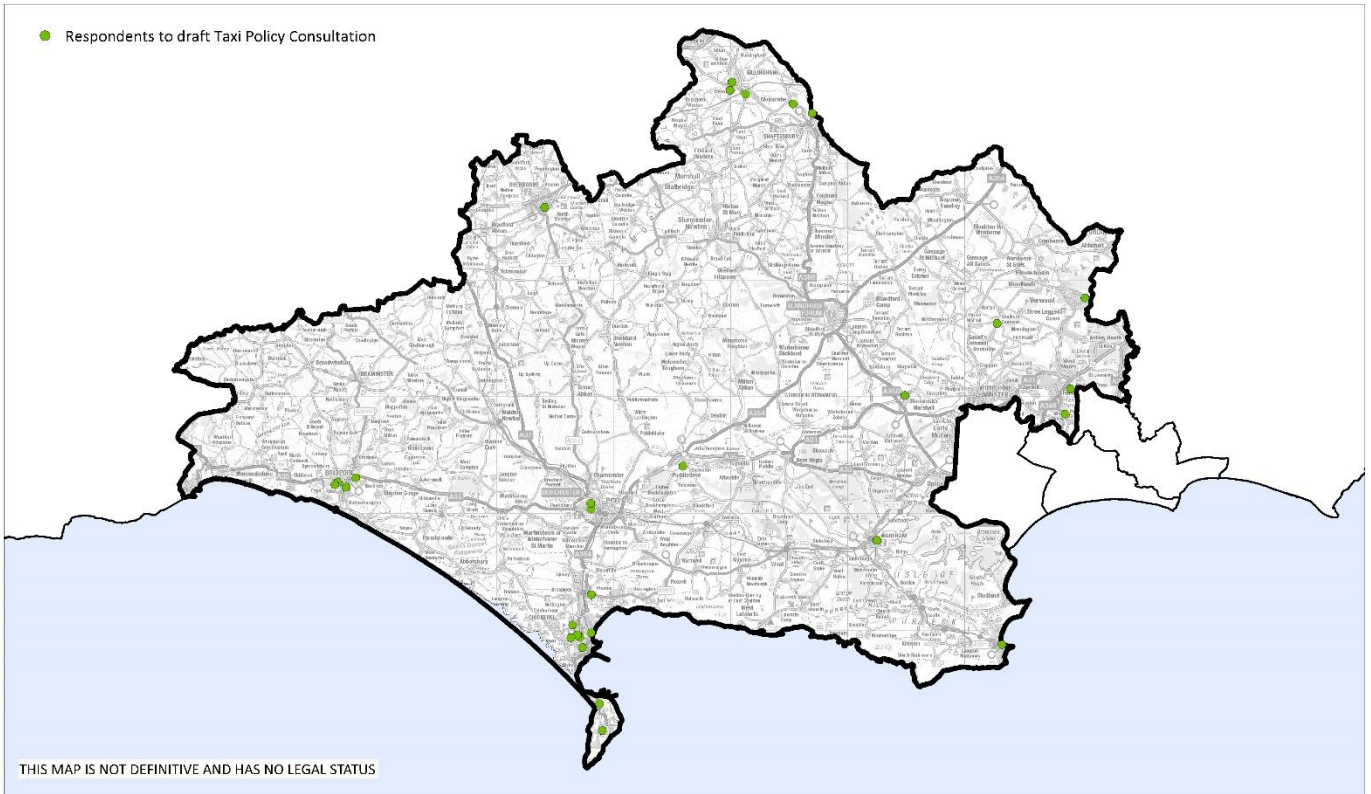
A further 29 responses were received via e-mail submissions where respondents set out their main representations, key comments and any objections to the policy.

Cllr <i>[name redacted]</i>
Schoolchildren transport - <i>[name redacted]</i>
Taxi driver - <i>[name redacted]</i>
Private hire driver - <i>[name redacted]</i>
Ex-Hackney carriage owner - <i>[name redacted]</i>
<i>[name redacted]</i>
<i>[name redacted]</i>
Executive taxi business owner – <i>[name redacted]</i>
Sherborne Cabs – <i>[name redacted]</i>
Coastal Cabs Ferndown – <i>[name redacted]</i>
Weymouth Taxis – <i>[name redacted]</i>
Weyline/Bee Cars/A Line taxis – <i>[name redacted]</i>
Dorset Disability Equality Forum
Swanage Town Council
15 Hackney Carriage Vehicle owners – Weymouth taxi trade <i>[All names redacted]</i>

Map of responses to the consultation

This map shows the postcodes of the respondents who replied to the survey. They are generally centred around towns, especially Weymouth and Portland.

Note: a paper survey response was received 2 weeks after the consultation end date after this map was created and thus does not appear (postcode BH20)



Responses to draft Taxi Policy Consultation

Ref:
Date: 2021
Scale 1:2411000
Drawn By:
Cent X: 423870
Cent Y: 98636



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Q. Do you use taxis?

	%	Number
Regularly	27.3	9
Occasionally	69.7	23
Never	3.0	1

Almost 70% of respondents stated that they used taxis occasionally, just over a quarter use a taxi more regularly. Those who said that they do not use taxis regularly were asked to give reasons why they do not use them or use them more often. These are presented verbatim in the table below.

The most common reason was that the respondent was a taxi driver themselves but may use them occasionally. Others comment on using taxis occasionally, such as for social occasions and leisure.

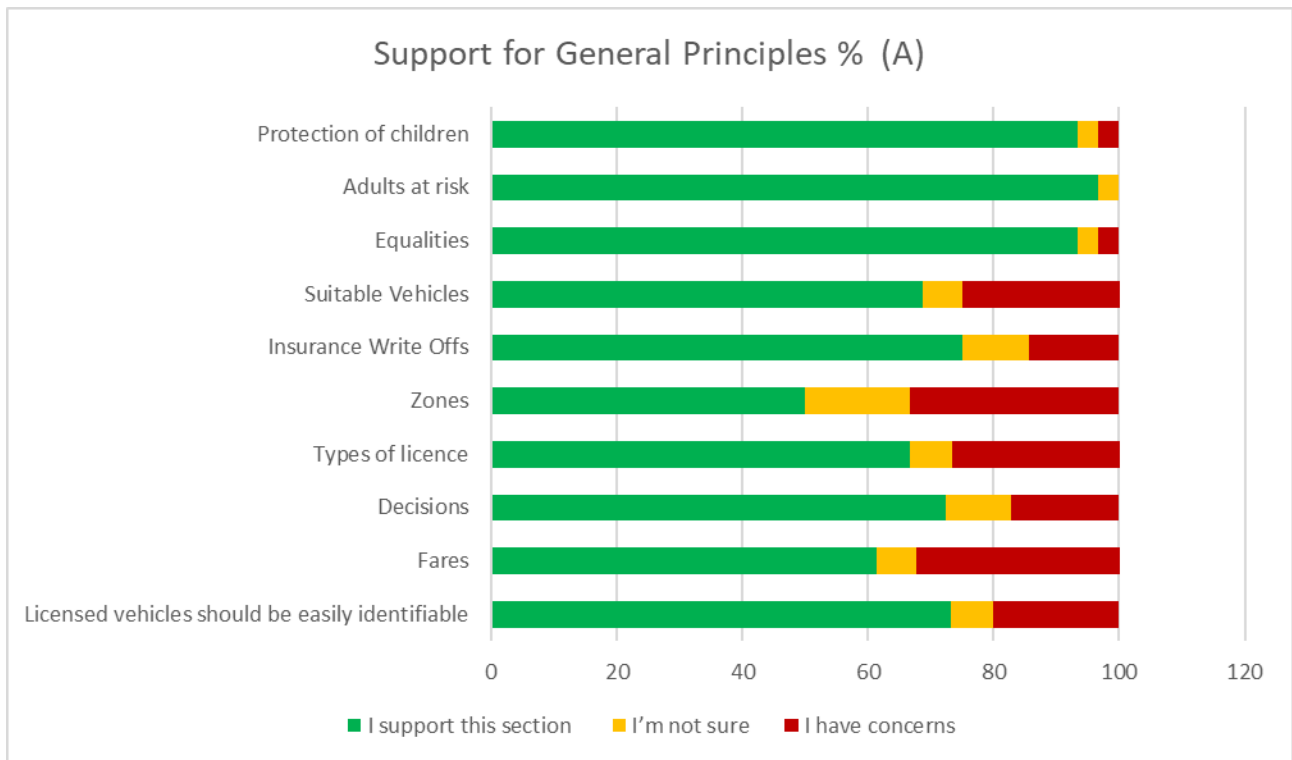
Comments
As a licenced private hire driver and operator. I use taxi for occasional week night and weekend for recreational and leisure
Don't need them
I am a private hire driver so only use them on my occasional days off.
i am a taxi driver
I am a Taxi driver so I drive a Taxi, Occasionally I will use a taxi to get somewhere if required
I am a taxi driver, out side of work hours I use my personal car or walk.
I do not use Taxis Very Often Because I Work and I Need to drive to my jobs as I need to Carry Tools. I Also Walk Into Town if we are going for a few Drinks as We Live close to town and its Healthier To Walk. If we are going to an event out of town one of us will normally drive as we then have flexibility to leave when we want, unless we both want to have a drink then we will use Taxis but not very often used to be once or twice a year.
I don't go anywhere much at the moment. Also I drive and have a car, so only need them at the moment if I want to drink alcohol, or if I have been given a lift somewhere and then need to get home.
I don't need them more often
i drive
I use my own Taxi/vehicle
I use other private hire vehicles, buses and private transport
I usually walk!
I'm private hire driver myself
Only use for going to a restaurant (so as to not drink and drive) and to the airport for holidays
Only use them if I'm going out for a social event and would like to drink.
Too expensive
we live in a rural area and use a car for most of our journeys

Q1. (Part A) The policy has a section on General Principles, and these are listed below. Which of the following sections do you support?

Respondents were invited to read the policy and to indicate how far they supported the proposals in each section; whether they supported it, they had concerns or they were not sure. These are presented in the table below.

	I support this section % (no)	I have concerns % (no)	I'm not sure % (no)
Protection of children	93.3 (28)	3.3 (1)	3.3 (1)
Adults at risk	96.7 (29)	0 (0)	3.3 (1)
Equalities	93.3 (8)	3.3 (1)	3.3(1)
Suitable Vehicles	68.8 (22)	25.0 (8)	6.3(2)
Insurance Write Offs	75.0 (21)	14.3 (4)	10.7 (3)
Zones	50.0 (15)	33.3 (10)	16.7 (5)
Types of licence	66.7 (20)	26.7 (8)	6.7 (2)
Decisions	72.4 (21)	17.2 (5)	10.3 (3)
Fares	61.3 (19)	32.3 (10)	6.5 (2)
Licensed vehicles should be easily identifiable	73.3 (22)	20.0 (6)	6.7 (2)

The table and the chart below show that the respondents strongly supported the sections of the policy relating to the protection of children and also adults at risk. They also very strongly supported the section on equalities. Respondents had more concerns around the sections on zones, fares, types of licence and suitable vehicles.



If respondents had concerns, they were invited to expand on them. These comments are presented in the table below - verbatim where possible, however some comments extended to several lines and/or hundred words and, in these cases, the main points have been drawn from these as indicated by two asterisks. Full comments are available in the appendix.

	Comments
Protection of children	i) The use of the term CSE is in urgent need of changing to safeguarding, it gives the wrong impression
Equalities	i) The training modules should be included as part of the safeguarding course in order to avoid increasing costs to the industry the exclusion from promoting those who do not feel the need to sit this additional course could be deemed to be showing preferential treatment to those who have paid for the additional course
Suitable vehicles	i) Some high mileage vehicles can be in better condition than some newer ones and forcing a driver to change can render this profession unviable due to upfront costs in purchasing a newer vehicle. If a high mileage vehicle is maintained and can pass the council test then it should be up to the driver if he/she wants to replace ii) Some older vehicles may not have the same level of safety features. That some newer vehicles may have. iii) A great deal of drivers use diesel engines for their longevity of use and they need to be available for the foreseeable future. All electric and hybrid vehicles are prohibitive in purchase cost for a great deal of drivers, especially after the massive loss of earnings due to the pandemic. iv) Requirement to change to all electric which are financially not viable. No infrastructure in place for this. No fare increase since 2017 a pandemic which has hit income yet drivers income not taken into account. v) **No further consultation on fees for electric vehicles – legislate that all taxis are electric. Dorset Council to encourage more environmentally friendly forms of transport** vi) Its about time dorset adopted a age limit for newly licenced vehicles. I personally don't think a taxi private hire vehicle should be licenced enicially if is more than 5years old vii) **2.13 is not fair or reasonable – seems excessive to re-test new vehicles after 6 months. Maybe when 1 year old? Disagree with focus group – work with them

	<p>suggest maintenance and upkeep important consideration rather than arbitrary age/mileage limit**</p> <p>viii) Electric vehicle I have purchased all electric PHV. There is a need for more charge points throughout county.</p>
Insurance Write-offs	<p>i) The vehicle may still not be safe</p> <p>ii) Checks on these vehicles need to be very stringent.</p> <p>iii) If written off cat. S is suitable to repair and then roadworthy to use on roads, so why isn't worthy to use for taxi purposes.</p> <p>iv) Cat N</p>
Zones	<p>i) As discussed in the meeting i dont want to get rid of the zones and i didnt think you were getting rid of them.</p> <p>ii) Possible deregulation on the weymouth and portland zone for hackney carriages.</p> <p>iii) Allowing drivers from other areas to freely operate in small zones will have a negative effect on income, something that a great deal of drivers are already suffering from due to the pandemic.</p> <p>iv) Drivers all flocking to the busy areas leaving more rural areas not covered by a Taxi presence and urban areas being overwhelmed with drivers.</p> <p>v) Should all be under one plate as one council, save time and money for council</p> <p>vi) ultra-low emission vehicles (ULEVs) any application for a fully electric hackney carriage will also not be refused on the basis that the limit would be exceeded not sure how this fits in with the unmet demand survey referring to WAV's, this could inadvertently circumnavigate the 80 vehicle cap.</p> <p>vii) **Formation of Dorset Council was to save taxpayer money but have not seen saving on licensing. No issue with zone abolition (bar W&P) but different parts of Dorset operate very differently – take into account when considering costings and fares. Disagree with vehicles parking at ranks outside their area – impact passengers but also driver ability to earn. Drivers may not know area they are driving in – would cause various problems.</p> <p>viii) **2.19 Disagree with being able to park in ranks out of 'area' – ranks have limited spaces e.g. Dorchester. Drivers from other areas may take opportunity to earn money while waiting for passengers at DCH. One-sided. Local drivers lose out**</p> <p>ix) If one policy for everyone so why Weymouth and Portland is better then others to have limit in hackney carriages</p>
Types of licence	<p>i) Having the licenses combined will only work if the price is right, raising the cost will push drivers out</p> <p>ii) Costs of holding a dual licence! When some drivers may not need or want both.</p> <p>iii) As with my concerns over zones.</p> <p>iv) Two tier should be kept in place. No combining licences.</p> <p>v) **One combined badge may not be required by many drivers - risks. It may cause confusion between hackney vehicle role and private hire role**</p> <p>vi) **Have no need for dual licence nor want one. Will it cost extra/double - not mentioned nor explained. Better to offer/wait until W&P is deregulated in 3 years?***</p> <p>vii) Not really an issue unless there will be an extra charge for the privilege?</p> <p>viii) I am concerned that the length of time it takes to licence a PH driver will increase due to the more onerous testing- eg geographical knowledge.</p>
Decisions	<p>i) Need to be proportionate and fairness for all licence holders and operators.</p> <p>ii) Decisions seem to be made regardless of drivers' input.</p> <p>iii) Decisions made by people not in the trade. Drivers/Operators have had no input up until this point.</p> <p>iv) There are issues with the IOL guidance, since it is only guidance, meaning there is no lawful reason why it should be adopted in full or even in part, whilst most of it makes sense and is reasonable, there is an issue around the historic issues and the disqualification for 7 years aspect.</p>

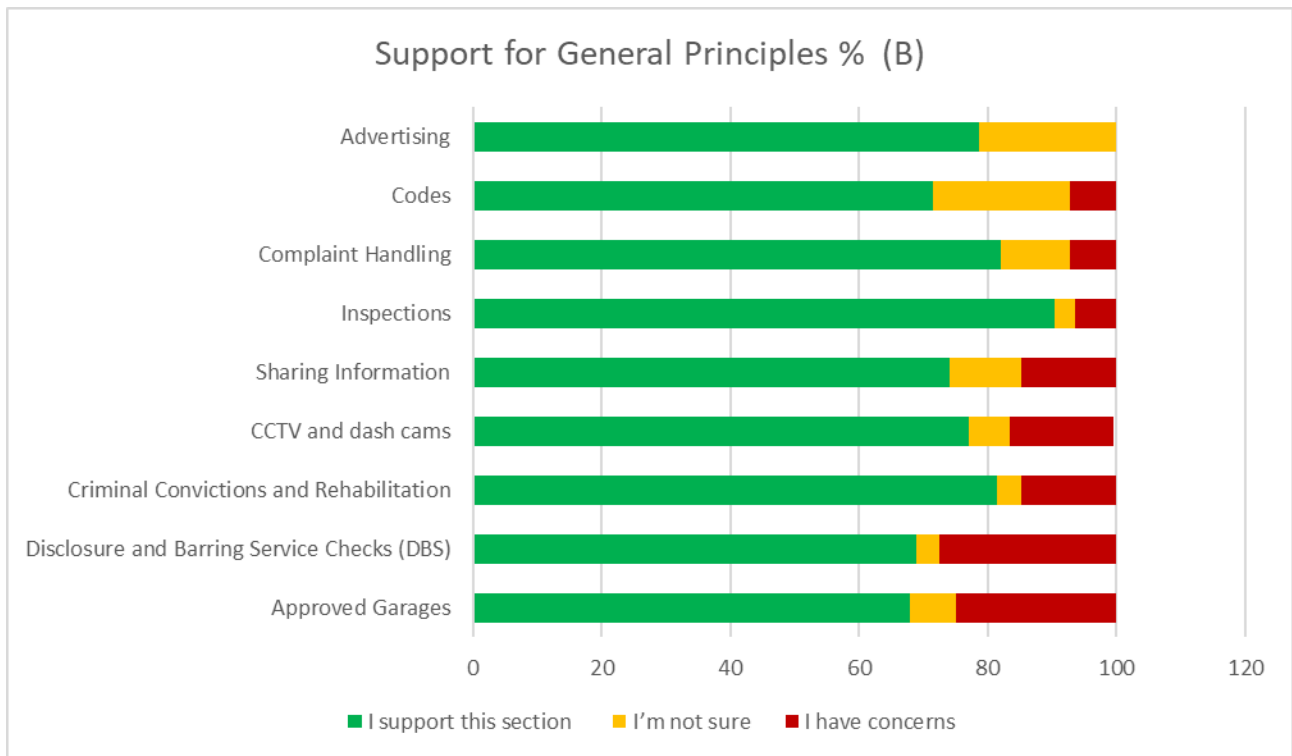
	<p>v) I have concerns that not 'fit and proper' person(s) have had hackney licences renewed following police investigations allegations of stalking, threats of violence and intemperate habits.</p>
Fares	<p>i) Have to be affordable we live and service a small area</p> <p>ii) More consultation with hackney and private hire before changes are made. So this practice, is not economically damaging. Simplified tariff cards in vehicles, more customer understanding.</p> <p>iii) Enforced increases can take away competition.</p> <p>iv) **No tariff raise (North Dorset) since 2012. Have signed thing requesting increase – taxi drivers As a local taxi driver I know we have not had a tariff raise (north Dorset) since 2012. Taxi drivers have not received raise in line with cost of living. Volume of work has also reduced – compounded by COVID but pre-covid trend of reducing work**</p> <p>v) Again, No fair increase since 2017 yet they are to be capped. Less income, more expenditure.</p> <p>vi) **Variation in rates driving price down already. Council should set rates for the area for fairness. Customer knows rates for area as all cars charge the same. No need for displaying fares all over the vehicle. How it is now is the correct way. Fares should be enforced to ensure even playing field. Private hire is different as fare agreed in advance – benefit of the private hire licence.</p> <p>vii) Needs a price increase as haven't had one since 2012 and needs to be reviewed regularly</p> <p>viii) This needs to be consulted with drivers and for Dorset Council to fully understand what expenditures a driver has just to turn a profit and make a living wage from. Again different areas in Dorset are more affluent than others, have a greater reliance on taxis and have a different type of geography. A West Dorset Taxi could travel more distance to obtain their next fare than a Weymouth & Portland taxi would.</p> <p>ix) **Maximum tariff across whole area is not bad, but letting drivers set own tariff will cause issues – price war and problems with customers being charged different prices, a forced drop in price might not cover maintenance/upkeep etc. Set maximum charge and all drivers use that tariff, then drivers charge regular customers what they want – works okay at the moment**</p> <p>x) **Do not understand how maximum tariff works – series of questions i) set price to specific location regardless of mileage? ii) Will different companies come into different towns with different rates – local drivers could lose work? Or leads to price war. Customers think they can set the cost of a trip – causes problems. Guidance/rules should come from the Council which needs to take into account geography, facilities, distances between locations of areas**</p>
Licensed vehicles should be easily identifiable	<p>i) Too much identification, could possibly make vehicles a target. Also costing.</p> <p>ii) Personally, and I'm probably not the only one, I don't want my vehicle looking like a taxi when I am not working or when I'm on holiday as its my personal use vehicle as well. If the sign is to be on permanent for example on the doors, when it comes off to sell the vehicle the paintwork will be visually damaged- will the council pay for the respray? Also some drivers only do school runs, so a schools sign in the front and rear window would suffice.</p> <p>iii) **Having 'pre-booked' doesn't the side is pointless – not suitable for wedding vehicles. Have seen PHV picking up non-pre-booked customers – get them to call the number on the car then and then. Customers do not care, will ask for lift anyway. Policing the rules/drivers is only way to ensure PHV do not accept customers off the street. Will reduce wedding/private bookings as the vehicle has writing down the side.</p> <p>iv) **HC and PH vehicles already identifiable, so having pre-booked on the side is irrelevant. Public would not know what it meant. May also be the drivers own private car and cause confusion. Can also make taxis an easy target for vandals/break-ins**</p>

	<p>v) As mentioned in my email, I have the confidence of the Lord Lieutenant and other VIP's. They most certainly would prefer to travel in unidentifiable vehicles for security reasons.</p> <p>vi) My luxury private hire mercedes is easily identified by a plate on the rear and a small plate on the inside on the Windscreen. My passengers do not need or would like the words pre book only on the side of my vehicle. As for those with plate exceptions In gillingham there are a few vehicles that have these exceptions and as far as i can see all they do is one or two Weddings a year and the rest of the time travel from a2b with county council school runs and general taxi business.</p>
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Q1. (Part B) The policy has a section on General Principles, and these are listed below. Which of the following sections do you support?

As before, respondents were invited to read the policy and to indicate how far they supported the proposals in each section; whether they supported it, if they had concerns or if they were not sure. These are presented in the table below.

	I support this section % (no)	I have concerns % (no)	I'm not sure % (no)
Advertising	78.6 (22)	0 (0)	21.4 (6)
Codes	71.4 (20)	7.1 (2)	21.4 (6)
Complaint Handling	82.1 (23)	7.1 (2)	10.7 (3)
Inspections	90.3 (28)	6.5 (2)	3.2 (1)
Sharing Information	74.1 (20)	14.8 (4)	11.1 (3)
CCTV and dash cams	77.4 (24)	16.1 (5)	6.5 (2)
Criminal Convictions and Rehabilitation	81.5 (22)	14.8 (4)	3.7 (1)
Disclosure and Barring Service Checks (DBS)	69.0 (20)	27.6 (8)	3.4 (1)
Approved Garages	67.9 (19)	25.0 (7)	7.1 (2)



Respondents very strongly supported the section on inspections; there was also good support for the sections on complaint handling and criminal convictions and rehabilitation. Respondents had more concerns around the sections on DBS checks, Approved Garages and Codes. If respondents had concerns, they were invited to share them. These are again reported verbatim in the table below and summarised for the main points for longer responses (indicated by **) Full comments are available in the appendix.

	Comments
Codes	i) **Query re: actions of other drivers (non-hackney etc) towards taxi drivers – okay for them to be abusive, taxi drivers are treated badly by other road users. Some previous officials have been aggressive towards drivers (even when official's fault). Needs to be a level playing field**
Complaint Handling	i) Whenever I have had reason to complain to the Council, whether it be local or county, I have been responded to by cut and pasted documents and do not feel that concerns are either listened to nor truly cared about. ii) Bureaucratic nonsense
Inspection	i) Possible monopolisation of garages, limiting choice and availability for licence holder. Current mot legislation state that hackney carriages have there own inspection standard. However private hire vehicles, come under the classification of cars. Thus as per dvsa standards they only require 1 mot inspection per year, regardless of mileage from the department of transport. ii) Inspections to be carried out by Council approved garages where garages will not participate, therefore driving up costs for drivers.
Sharing Information	i) No information should be shared without the individual's written consent prior to any sharing of data. ii) Nonsense iii) **No such thing as assumed consent under GDPR, any information sharing should be clearer than is set out here. Example of request for council tax data, also sharing of information in simplifying the DBS procedure**

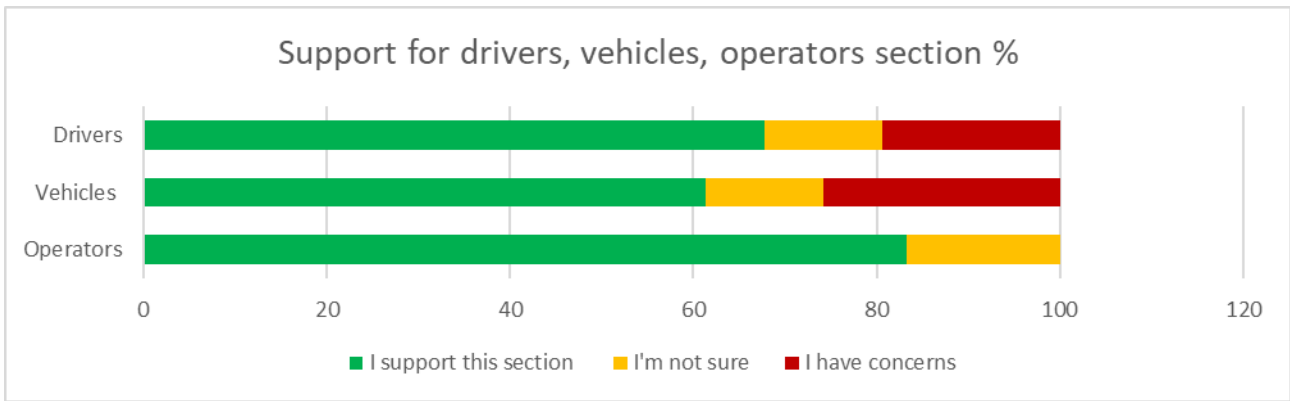
CCTV and dash cams	<ul style="list-style-type: none"> i) My only concern here is regarding the privacy and personal data protection of our customers. Providing that can be ensured I see no problems ii) Invasion of privacy iii) **Section reads as allowing dashcams internally, but not the case under ICO regulations – a sticker and registration with the ICO does not make it lawful to record. Just makes person legally responsible that devices are compliant, little information out there. Worried that vague approach will enhance confusion – requires simple addition of statement that dashcams are for external recording and have no audio functionality’ would be better** iv) As mentioned in my email certain clients would not want conversations recorded for security reasons v) Dash cams that are bought and installed by the driver are they going to be an issue with make and model, are the council going to insist what has to be used like Insurance companies?
Criminal Convictions and Rehabilitation	<ul style="list-style-type: none"> i) I feel this is a great idea in principle, but I have knowledge regarding a local taxi driver who has been through court following physical assault - involving a knife... this is a case I believe the council are aware of, as I am also aware that another driver has been quite vocal about him informing the licensing team. My point... I fail to see that the council is taking its responsibilities seriously enough on this front. ii) Changing from standard to enhanced dbs. Why? Spent is spent. Drivers will be persecuted for 20/30 year old offences. iii) ** No mention of police Voluntary Attendance interviews – do you want to be informed of these? Or other out of court disposals e.g. Community Protection Warnings and Notices, Restorative Justice, Community Resolutions, Drugs Educations Programmes, Cannabis Warnings, and Education Courses as an alternative to prosecution (such as speeding or seatbelt offences) ** iv) having read appendix G, we see it refers to having worked with licensees on production on this "guidance" and yet there is no mention of any such organisation or representative body within the list shown, in fact there are areas of concern from the industry relating directly to this guidance, the only inclusion of trade bodies was in a pre lockdown workshop meeting which was set up after the issue of this guidance, not before as is stated.
DBS checks	<ul style="list-style-type: none"> i) The 6 monthly DBS check is just adding more costs to the profession, plus this will just cause a backlog on the checks as it can take several weeks just for the first one ii) i dont understand why dispatchers should have to have a dbs check where does it end otherwise next youll be saying a cashier at a supermarket needs a dbs check iii) Although I am happy to sign up to this to happen. And I currently hold an enhanced DBS, for school contract work. I would need to know how to sign up to this potential new service and the costs involved. iv) It has been proposed to make drivers undertake these checks very 6 months. This would be very costly for drivers and, if there are any administrative delays e.g. due to the pandemic, it can enforce drivers off the road and not earning a living, through no fault of their own. Two yearly checks would be more flexible. v) More expense to the driver yet again. Not enough work and income for the extra expenditure. vi) **Agree checks should be more frequent, but responsibility of driver to report pending convictions – ‘fit and proper person’ test. DBS for licensing different to DBS for school transport – if you cannot pass DBS for school transport (Dorset Travel) should not pass DBS for licensing. Carry vulnerable adults/children for normal jobs as well as school contract. Support sign up but no further info as to how to sign up, when or the cost.**

	vii) I dont agree with this policy. We have checks every three years. If a driver has been caught doing something illegal, the court would inform the council! Yet more paper work and expense for business that are struggling to recover from the Covid 19 pandemic.
Approved Garages	<p>i) Are all areas going to have designated garages to go to or are other areas just going to MOT stations of their choice, I feel that we should all be treated the same as we are now under the same Council ?</p> <p>ii) **Agree with yearly MOT and 6mth inspection but disagree it is carried out at Council approved garage. All MOT test stations are highly regulated. May reduce no. of available places to have inspection – long delays and monopoly. Any MOT test station for MOT and council approved for 6-month check (or council own). Needs survey to check for garage sign-up, set max charge limit. Meters – could prevent HC from working if unable to get meter fitted or checked in timely manner. Computerised may make obsolete but HC laws say HC must have meter. Pitfalls to council approved garages that need more exploration in policy**</p> <p>iii) If any garage is MOT certified then they are fit to do the inspection. Bringing the council approved only garages rule in will cause a backlog as don't forget they have other customers that need work doing as well, as a mechanic is not going to want to be doing inspections all day at £30 a pop</p> <p>iv) Most drivers have mechanics that they know and trust and should not be forced to use a garage that is not of their own choice.</p> <p>v) **Will limit number of garages willing to sign up due to extra adhoc work. Could end up with 1 or 2, thousands of vehicles and charging what they want. All current VOSA/DVSA MOT test stations are regulated/inspected. Council can access status on website, MOT report sent to licensing team to update records. Meters – council will no supply tamper evidence seals to approved taxi meter installers – how can practice be achievable?**</p> <p>vi) we already travel a long way and dont want to go further again</p>

Q2. The policy has sections relating specifically to Drivers, Vehicles and Operators. Which of the following sections do you support?

This section of the survey asked respondents about three key areas of the policy: Drivers, Vehicles and Operators. Results show there is high support for the section on operators and generally good support for the sections relating to drivers and vehicles, however some raised concerns with the latter.

	I support this section % (no)	I have concerns % (no)	I'm not sure % (no)
Drivers	67.7 (21)	19.4 (6)	12.9 (4)
Vehicles	61.3 (19)	25.8 (8)	12.9 (4)
Operators	83.3 (25)	0 (0)	16.7 (5)



Respondents did not raise any concerns about the section relating to operators, those relating to drivers and vehicles are reported verbatim in the table below – again, any longer comments have been summarised and are indicated by an **. Full comments are in the appendix.

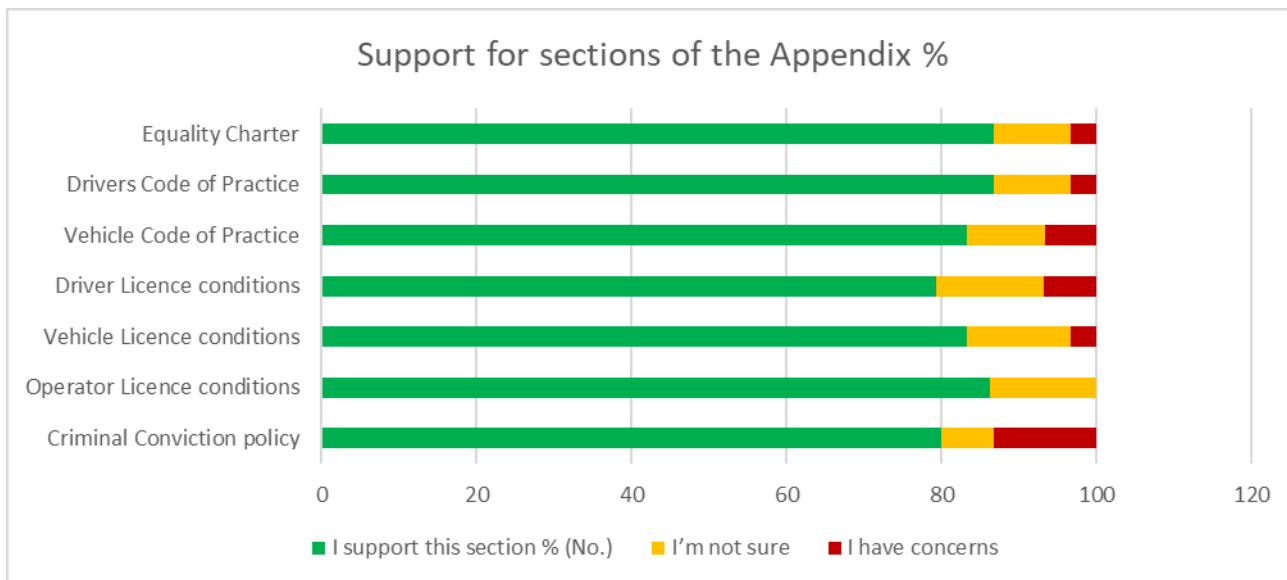
	Comments
Drivers	<ul style="list-style-type: none"> i) There is absolutely no reason as to why a driver has to get a medical on every renewal, until you reach a certain age or have medical issues. Its just another cost exercise. Its hard enough to get a general doctors appointment as it is ii) The proposal of 3 year medicals, does not meet the standard of medical examination of other group 2 vocational driver medical standards. They should be every 5 years, until the age of 65. Then every year. It seems that a 3 year medical suits the council licensing more than the licence, due to the current 3 year licence renewal and provides no extra safety benefits to the public. iii) **Comments on DBS checks, how it is different for school contract work (and children and adults) to a general taxi licence check. DBS info should be shared and check transferable if same person is doing both tasks – rather than applying for two separate checks for the same job. Comment on CSEA training. Suggestion of removal of reference to DSA driving test as it was abolished in 2016. Comment re: medicals and timeframes. Agree with fee being in two parts, payable in all circumstances and additional fee for covering the costs of compliance** iv) **Knowledge test of local area is concerning if wider Dorset area to be tested. Medical exam section seems contradictory – requires more consideration on frequency of medicals/requirements and guidance from legislative bodies so it is coherent. Mandatory for GP to contact licensing authority if driver presents with medical issues that would impair their fitness to drive. Cost of licence – needs to be more transparent and to see the true costs for a licensing department. Costs increase yet service drops. Largely support new proposed policy, but lacks clarity, research and method** v) Concern with under 21 being drivers. Have drivers without internet/email been taken into account – e.g. drivers hotline? Maintain post/phone rather than rely on email – problems with survey knowledge – a lot expected of drivers to keep in touch. Is there need to medical every three years (exc. Over 65/70 years)? vi) 3.55 Historical events to be considered, is this is what is being contemplated?
Vehicles	<ul style="list-style-type: none"> i) If a garage is fit to do MOT's then its fit do the inspections. Where are these "Dorset Council mechanics" based or will be based. ii) As stated earlier. All vehicles should be mot inspected at any qualified mot test station, as per dvsa guidelines iii) Expense. More bureaucracy, less income. Jumping through hoops for a trade not supported properly in the day to day functioning of the industry. Drivers pay out for a vehicle which is no longer financially viable. iv) As previously mentioned, having 'PRE-BOOKED ONLY' on the door does not solve the problem of picking up customers off the street. It means that wedding and function bookings will be massively reduced. Who wants wedding pictures with that down the side of the wedding car? This is a very bad proposal and it needs to be retracted, or an exemption made of wedding and private function bookings.

	<p>v) **No person should be rendered unemployed while waiting local authority delays (while app being processed). 4.24 plate exemptions is an excellent approach but if long term (e.g. vulnerable children), maybe exemption disc on windscreen. CCTV – see previous concerns on use of internal recording dashcams**</p> <p>vi) **Query re: not allowing transfer for licence to a new vehicle e.g. in the event of a car being written off/engine failure etc – will create more expenditure and encourage poor practice – counter productive to raising safety standards. Type – removing age on first licence may encourage old vehicles - agree 8 years and younger is appropriate. Query over 4 door/solid roof. Size of vehicles – needs consideration due to increase in mobility aids. Lack of clarity and gives little time to prepare for changes – some are tied into lease/hire agreements. Query re: Vauxhall Zafira and seat size. Drivers buy vehicle with lifespan in mind and type of work – could render some vehicles unfit for original intended purpose.</p> <p>vii) Vehicles should not be over 4 years old at initial licencing.</p> <p>viii) 4.33 More charging points needed, especially in rural locations.</p>
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Q3. The policy has an Appendix and the sections of it are listed below. Which of the following sections do you support?

Respondents were invited to read the Appendix and to indicate how far they supported the proposals in each section; whether they supported it, if they had concerns or if they were not sure. These are presented in the table below.

	I support this section % (No.)	I have concerns % (No.)	I'm not sure % (No.)
Equality Charter	86.7 (26)	3.3 (1)	10.0 (3)
Drivers Code of Practice	86.7 (26)	3.3 (1)	10.0 (3)
Vehicle Code of Practice	83.3 (25)	6.7 (2)	10.0 (3)
Driver Licence conditions	79.3 (23)	6.9 (2)	13.8 (4)
Vehicle Licence conditions	83.3 (25)	3.3 (1)	13.3 (4)
Operator Licence conditions	86.2 (25)	0.0 (0)	13.8 (4)
Criminal Conviction policy	80.0 (24)	13.3 (4)	6.7 (2)



Overall, there was strong support for all sections of the Appendix, most concern raised was around the criminal conviction policy. Respondents were invited to explain any concerns further – these are mostly reported verbatim in the table below; any longer responses are summarised and identified by the **. Full comments are available in the appendix.

	Comments
Equality	i) **Allowing dogs to sit on seats with no restraint risks damage to the vehicle, plus cleaning costs. Risk if accident and dog is not secure. Safer to seat the dog on the floor?*
Driver Code of Practice	i) My car is my office, if I want the radio on then I'll have it on regardless.
Vehicle code of practice	i) Child Seats - The law allows a child in a taxi to be carried on a lap without the need for a child seat or belt in the back seat. Over 3's should be in the back with a seat belt. it actually does not allow for anyone to be transported on anyone lap at all. in fact the law specifically prohibits such practices. ii) **Agree vehicles clean/presentable/maintained but disagree with criteria. Difficult to keep that clean, inevitable with locations (e.g. Portland stones, customers scratching on entry/exit), volume of customers per day. Max scratch size? Needs reality on how much the vehicles have wear and tear interior and exterior**.
Driver licence conditions	i) Passengers - not to make any additional charges for doing so in (wheelchair), I believe this is happening and that customers are told a price for a trip and its more than meter price, I carry some customers who would rather travel in my vehicle which is not wheelchair accessible but I am cheaper so they will struggle in and out of my car. ii) surely if you only receive 3 points for first offence you should not need to inform the council maybe if you get a second offence then i see that should be mandatory
Vehicle licence conditions	i) No smoking I have seen drivers driving and sat on a rank vaping and they get away with it how will this be enforced?

Criminal Conviction Policy	<ul style="list-style-type: none"> i) See above answer. ii) Again. Rehabilitation of offenders act not considered. Police officers have convictions but not drivers. iii) CC iv) **Query over 1.3, 1.4, 1.6, 1.8 – licensed operator have to have fixed abode – what qualifies? Query over historical criminal activity and whether it disqualifies from renewal** v) **3.10 – ‘taxi driver’ term encompasses two different occupations (hackney carriage and private hire) – misuse of the term opens up argument e.g. using bus lanes, taxi ranks. If term means both, then surely the term used on signage also allows for both**
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Q4: If the draft taxi policy was to be implemented, what impact do you feel this may have on you, your business or the wider community?

Overall, 43.4% said that they felt that the policy, if implemented, would have some form of positive impact on them, their business or the wider community. A third (33.3%) however felt there would be a negative impact. 16.7% did not know, and 2 respondents said it would have no impact at all.

	%	No.
A very positive impact	6.7	2
A fairly positive impact	26.7	8
A slightly positive impact	10.0	3
No impact at all	6.7	2
A slightly negative impact	13.3	4
A fairly negative impact	13.3	4
A very negative impact	6.7	2
Don't know	16.7	5

20 respondents further explained their answer; 10 who felt it would have a negative impact, 8 who gave a positive response, and 2 from those who responded either ‘Don’t know’ or ‘No impact’. These are reported verbatim in the table below; for lengthier responses these have been summarised and are indicated by **. Full comments are available in the Appendix.

Comments
Anything that regulates, and protects women and other vulnerable individuals has to be beneficial
As explained in previous sections – proposals lack clarity, wider consultation with those needed to support/aid implementation. Negative impact on customers due to vehicle size/old. Further consultation needed to prevent customers paying too much/drivers able to make living wage – may be forced to leave industry. Problem if MOTs/inspections are not done on time. Not good time economically to introduce changes – make more challenging. Should delay or gentle transition
Do not understand how maximum price will work – i.e. set price for specific location/drivers coming in from different areas with different tariffs affecting local drivers. Price War. Taxi users think they can set price of trips – treat drivers badly, leads to arguments. Guidance should come from council – taking in geography, facilities and distances – reason for the zones. Actions of other drivers towards Taxi drivers – treated badly by other road users and previous officials. Needs to be level playing field. Will new DBS policy be at time of renewal or once policy is adopted – added costs – paid to Council or DBS and further queries about process. Concerns about under 21 drivers. Consideration of drivers without internet or email facilities, drivers hotline? Maintain post/phone calls? Lots expected of drivers to keep in touch. Medicals should be more regular for over 65/70, no need for every three years for younger drivers. Dogs safer seated on floor – risks if sat on the seat and no restraint. All things listed could and probably will affect drivers due to costs/losing income. Struggling due to pandemic, future unknown. Implementing change could be large/companies go under. Questions unanswered on costs and levelling up not always possible or sensible when taking geography, distance, services into account along with increasing costs for running of vehicles
Confusing! Why different coloured plates for areas? Who is going to check the credentials of drivers and cars before hiring? For hiring outside of your area, it appears that private hire only is available, is this correct? Nanny State strikes again!
Experienced drivers will leave the trade. Leaving open to the likes of Uber who will license in a different area and flood this area
i agree with most of the policys but not some like the zones, why do dispatchers have to have a dbs, the approved garages should be a fare distance for all taxi companies, the size of the new badges are ridiculous and you cannot wear around your neck.
I don't believe that bits of paper in an office draw are going to make much difference to day-to-day running. We will still have companies with substandard questionable cars, along with those with excellent vehicles. We will still have polite and hard working drivers (as I hope I am) and those with lower standards. Honestly I don't think much will change the level of work available to us drivers, or the public perception of us.
I don't know ? with all what is in the policy it has both Positive and Negative. Negative) as a owner driver for 38 years I have seen some changes but not all good, I only have 9 years left before I retire and since the pandemic my income has dropped considerably, it has been a struggle through covid 19 and I believe it will continue like this for a few more years, if the the tariff and opening the ranks to other drivers go ahead it will certainly have an impact on local drivers of Dorchester. Positive) The other changes will put the customers safety 1st.
I have concerns as to the "Weymouth" question. But would welcome the ability of the cessation of territorial divisions used by the industry for mutual sharing of contractual work amongst operators. Will save time, fuel and expense. I welcome the intent of electric vehicles.
I support the document, but not the parts previously mentioned. Having 'pre-booked only' down the side of the private hire vehicle should not be enforced. This will massively reduce the number of wedding and private function bookings.
I think that the changes proposed of increasing mechanical inspections, but taking away age limits on vehicles will increase safety in licensed vehicles. The DBS update service is an excellent improvement for driver safety. The only concern that I have amongst the changes is the combining of the licence types. Our drivers do a very specific job for school transport for children with special needs, and whilst they obviously do require a good geographical knowledge, it is not needed in the same depth as the hackney drivers, as they do regular routes. We understand that our business is different to many other operators I

I understand the rationale for the change. However, my situation may have been overlooked by the focus group as I doubt other operators run their businesses as I do. If I have to pay to have all of my new vehicles tested twice, it will have a financial impact on my business - this will inevitably be passed on to my customer. All of my fleet of cars are bought new and sold at 8 months old or when they reach 5,000 miles - whichever happens first. It does not feel right that I will be financially penalised for maintaining a new fleet of smart, clean, reliable vehicles. There should be an age which triggers the 6 monthly checks - 1 year old seems fair.
If things are working well, it seems pointless to change them, for the sake of change. Most drivers, whether hackney or private hire, are self employed and should not have their freedom of choice taken away from them nor enforced upon them.
it gives confidence that drivers and vehicles will be of a uniform high standard where ever you use a taxi in Dorset.
just means more money for you with some of the things you are going to put in like dbs medicals
Needs more transparency with regards to costs and implementation period.
None
The policy would reassure my clients regarding their own and their colleagues security. Likewise the quality of service relating to drivers, vehicles and operators by having been approved and closely monitored by the Council.
There are already too many vehicles; although there is a need for more wheelchair accessible vehicles to be available.
there are issues as detailed within the comments submitted, provided they are resolved, then the impact would be positive.

Q5 Do you have any other comments about Dorset Council’s draft Taxi Policy that you have not mentioned above? Please do so in the box below.

Respondents were given the opportunity to comment further on the policy and to highlight any issues they felt had not yet been covered that they wanted to raise. 12 respondents took the opportunity to do so. These are all reported verbatim in the table below.

Comments
Drafted by people not in the trade.
I believe the correct spelling of courtesy has a U in it (and the word curtesy has a different meaning) CONTENTS - SECTION 6 - PAGE 29 & also in text of section 5.9
I have emailed [name redacted] on this issue to explain what some of the points mean but no response.
I kindly request to be involved in future with focus groups for proposed changes. I was not aware there were focus groups happening and would have liked to have been involved to contribute.
i think we pay well above at the minute with insurance licence mot tick tests and now you want dbs every six months etc i think we all should have emails out laying everything you want in this new policy i mean all hackney drivers and private hire drivers too as well as the companys we work for

More research and consultation with those directly and indirectly involved in helping these proposed policy changes to come into effect. I also believe Licensing need to work with drivers more and provide a reliable licensing service that help and support the drivers. This was NOT evident during lockdown. Very little information and support was offered to drivers during lockdown and licensing didn't even have the decency to make it widely known to license holders in Weymouth and Portland that local support grants were available as well as the SEISS grants. Dorset Travel provided a good deal of information and support to School Contract Drivers and it would have been nice for Licensing to have followed suit. Happy drivers make happy customers and happy public.
No
Not worth the effort.
Other than those two issues, I believe it looks good
Very little fact finding. Alot of old regulations from the old west Dorset District Council days that are no longer applicable in the this current climate. Although the policy could be a good one. The recommendations for medicals, mots and additional added to my request need to be addressed with more exploration needed.
When will Potential Questions & Costs Be Answered or Known and will it be before adoption of the Policy? Will All Drivers Be Notified and consulted? Will Communication with Drivers Be Improved between now and the implementation. Will The Actions of Customers, People with disabilities, Road users be considered during the next phase of this consultation? Do Drivers Remain able to refuse customers due to thier drunken state? Can Drivers Stop and remove troublesome or abusive customers with no fear of retribution? Do drivers have to suck it up and live with the verbal abuse, wrangling on prices and threats etc from customers? What Protection to drivers is supplied / given if this policy is adopted? Will the Taking of other Courses (C&G) Benefit The Drivers/Firms that have Paid out for the Courses?
Yes. I received this questionnaire but not the draft thing,.. please bare in mind I support things because I believe their important (like child protection and equality)

19 provided a contact e-mail address to be kept informed of the outcomes of the consultation and the new Taxi policy.

Separate submissions

29 respondents sent a separate submission to the Council via email. These have been reviewed and each comment has, where possible, been allocated to the relevant section of the policy.

15 were near identical responses from a group of Hackney carriage vehicle owners from the Weymouth area. Any differences or additional comments were noted. They also highlighted that they would welcome a face to face meeting.

	Nature of comments	No of mentions
Adults at risk	Taxi drivers trained to recognise/be a first point of support in cases of domestic abuse	1
Equalities	Should be training for operators/drivers as standard prior to licence being granted/renewed	1
	Consideration of need from booking (checklist of need at start), through to respect during the journey, methods of payment and dropping the person at their destination.	1
		1

	Suggestions of co-producing an Accessibility App, an Accreditation scheme for all taxi operators and Accessibility packs for vehicles.	1
	Standardise funding to contracted taxi operators	1
	Experience, information, signage, language should be inclusive and appreciate diversity of experience across all protected and any additional characteristics.	
Suitable vehicles	Will electric charge points be provided/installed to encourage commitment? None currently on Hackney carriage ranks.	15
	Electric unsuitable for taxi due to distance, restricts ownership/use of vehicles to those who have off street parking/charge point	1
	No reason to have vehicles over 10 years old – reasonable customer expectation.	1
Zones	Do not mix the two issues of Weymouth & Portland zone deregulation and this consultation	16
	Disagree there is no evidence of unmet demand – muddled with failings of private hire	15
	Protect Hackney ranks/stands from illegal use by other road users/PHVs	2
	One plate for the whole of Dorset, including Weymouth, easier to manage and to save time and money	1
	Should be no segregation between Weymouth & Portland or phasing in of working areas	1
	Agree with no limit to Hackney in W&P if WAV vehicle – but caveats (e.g. new/liveried WAV vehicle to prevent abuse of system)	1
	Happy W&P zone is to remain	1
Types of licence	If combine licence how will you ensure the driver knows the legislation for each vehicle – would need harder knowledge test	15
Fares	Potential for 'price wars'/rate-cutting if set own tariffs – further problems with customers/marshalls may be needed. Set taximeter with same rate.	17
	No universal fare - each zone should have own tariff – Dorset-wide tariff allowing own rate-setting offers little protection to the public. Fares should remain local to area – retain W&P zone which has short journey distance.	16
	Private hire should not have a taxi meter – will masquerade as Hackney	15
	All in Weymouth & Portland should operate at the same rate and this should be calendar controlled to avoid manipulation	15
	Should be one set tariff across the licensing area. Not free to set/negotiate own tariffs due to problems it will cause (e.g. ASB).	2
	Support for all fares to be displayed, transparent, visible to passengers	2
	Meter tariffs should be reviewed on a regular basis as costs increase, linked to inflation	2
	Agree with fares in principle but could cause problems in rural areas e.g. West Dorset	1

Licensed vehicles should be easily identifiable	Support identification but requires flexibility eg. PH executive vehicle should be exempt from such signage/working/contract work	16
	Support all licensed vehicles having a taxi/PHV license plate clearly displayed on rear of vehicle within the correct frame.	15
	Widen parameter of exemption for plate/door sticker/Sticker will affect business image/bookings/gain attention/No stickers on private hire vehicles re: pre-booking – eyesore/Plate exemption for wedding cars?	5
	Preference for illuminated 'for hire' sign in front window, not lit on roof. Also a query over the rule for hackney carriages.	2
	Every taxi in the area should have a sign to say who they are	1
	Yes agree with pre-booking sticker – has been helpful. PHV should be marked as such – no exemption for display of ID plate Already have plate on rear of vehicle. Some authorities have repeater on the side door of their vehicles.	1 1 1
Advertising	Private Hire Vehicles should not advertise fares on the outside of their vehicle – touting for business. Rates should not be advertised on the outside of taxis	16
	Agree but rear doors only suitable place/could be covered in adverts	1
Codes	Should overhaul 'rule book', issue on granting/renewal of licence – could sell advertising in books to cover cost	1
Complaint Handling	Better information on how to complain in the event of overcharging/dangerous driving – clear and accessible feedback process.	2
	Have a responsible officer assigned to a complaint to facilitate progress feedback	1
	Have escalated complaint to authority and matter not advanced – need to show there are ramifications	1
CCTV and Dash Cams	Useful but difficult if transporting school children/prisoners.	1
DBS checks	Amend future taxi driver apps to reflect need for 'Child and Adult workforce DBS check'	1
Approved Garages	Need flexibility of unrestricted number of testing stations – any VOSA/MOT garage should be suitable – logistically difficult and created monopoly on service (and could up costs)	16
	Place of testing must be in the licenced area and argue it should be in the boundary of the old Borough Council.	15
	Current works well – have list of non-approved garages or insist they are VOSA registered	1
Sec 3: Drivers	English language test/ability important	2
	Badge should be re-designed/too big/not professional. Badge should be worn/visible	2
	Knowledge test should be harder	1
	Drivers should have a probationary period Previous issues with validity of assessment previously, but resolved	1 1
Sec 4: Vehicles	4.5 should read 4 passengers and 8 passengers, not 1 passenger and 8 passengers.	15
		1

	Question around the purchase of either a WAV or hybrid/full electric and eligibility for a Weymouth Hackney plate 6-seaters that pretend to be MPVs should be blocked from being hackneys/PHV (seat measurement)	1
Sec 5: Operators	5.8. Suggests provided the customer is aware the vehicle is operated under that licence then it should be legal – relevant if operator wishes to operate a 16 seater.	1
Equality Charter	Should have a clear system for operator to escalate complaint if a driver refuses to carry an assistance dog without medical exemption. Should be clear at time of booking if they cannot take a dog.	2
	Accessible vehicles – private hire companies to operate a minimum amount of WAVs and drivers to have at least MIDAS accreditation	1
	Need wider fleet of accessible vehicles including better operating times.	1
Driver's Code of Practice	Dress code should be more specific	1
Driver Licence Conditions	Fare and Fare cards: Should not disclose the driver's address on a receipt – safety concern. Is Licence number sufficient? (one suggested a QR code so customers can access it?)	17
	Found property – hand into the police Private hire – hand to operator, hackney carriage hand into the police.	16 1
	Change of operator – drivers to inform the authority – operators could provide a weekly/monthly list.	1
Vehicle Licence Conditions	No smoking: it needs to include all types e.g. vapes, cigars.	1
	Tyres: Problem of no spare or if driver is incapable of safely changing a wheel	1
	Additional equipment: Vehicles with standard manual ramps should be subject to a test like accessible vehicles with electric tail lifts.	1
Operator Licence Conditions	Record keeping: Requires a computer-based system to meet criteria, might be difficult for smaller operators. All operators should have 'call recording'	1
Criminal Conviction Policy	Random drug testing should be introduced	1
Other	Desire to maintain good working relationship with the authority and for their trade to be respected/to be worked with	16
	Policy consultation meetings earlier in the year were not accessible to those non-technology literate	15
	Positive comment e.g. agree with most of it, welcome changes, generally fair, thank you for opportunity to express views	4
	More advice and support for those not working through a company	1
	Nothing on protecting drivers from the public – may encourage women to apply	1
	Section 2.2 – agree on regular meetings/newsletter	1
	Want to see clamping down on 'pirates' and those without operator licences.	1
	Presents as 'anti-hackney' and near future enforced deregulation – there is no unmet demand. Free licence plates for WAVs/Electric might saturate Hackney vehicle trade – bring in 2030 in line with Govt proposal?	1
	If no unmet demand, why deregulate by licensing unsuitable vehicles?	1
	Agree with a single standard for taxis and private hire vehicles	1

Demographic Information

We collect diversity information, not only to ensure any changes do not unfairly impact on specific sectors of the community, but also to try to make sure our consultation response comes from a representative sample of local residents.

Please note that there were 35 responses to this survey, so please treat results with caution if drawing comparisons.

Age

The tables below show the profile of people taking part in the consultation. All were over the age of 35. Only 1 person preferred not to disclose their age (3.0%)

	Under 18	18-24	25-34	35-44	45-54	55-64	65-and over	Prefer not to say
% of responses in age group	0.0	0.0	0.0	24.2	24.2	30.3	18.2	3.0

Gender

The current profile of the residents of Dorset shows 49.8% male and 51.1% female. As the table below shows the responses from males does vary considerably from the Dorset profile but this is perhaps not unusual in this type of survey.

	Male %	Female %	Prefer to self describe %	Prefer not to say %
What best describes your gender?	75.8	18.2	0.0	6.1

There was an uneven balance between males and females with 76% of responses from males. This is perhaps expected given the topic of the consultation.

Disability

12.5% of respondents considered they had a disability. This equates to 4 people. Responses from disabled people were above average at 12.5% of responses compared to a Dorset figure of 5% based on those claiming either Disability Living Allowance, Personal Independence Payments or Attendance Allowance.

	Yes %	No %	Prefer not to say %
Do you consider yourself to be disabled as set out in the Equality Act, 2010?	12.5%	75.0%	12.5%

When looking at the specific disabilities of the 4 people responding, 3 reported a long-standing illness or health condition, 1 a physical disability.

Ethnic Group

	What is your ethnic group?
White British	82.4%
White Irish	0.0%
Gypsy/Irish traveller	0.0%
Any other white background	2.9%
Asian/ Asian British - Bangladeshi	0.0%
Asian/ Asian British - Chinese	0.0%
Asian/ Asian British - Indian	0.0%
Asian/ Asian British - Pakistani	0.0%
Any other Asian background	0.0%
Black/Black British - African	0.0%
Black/Black British - Caribbean	0.0%
Any other black background	0.0%
Mixed ethnic background – White and Asian	0.0%
Mixed ethnic background – White and Black African	0.0%
Mixed ethnic background – White and Black Caribbean	0.0%

Any other mixed background	5.9%
Prefer not to say	8.8%
Any other ethnic group	0.0%

With 82% of the respondents saying their ethnic group was White British this is fairly typical of the wider population.

What best describes your religion/belief?

The most common religion/belief was Christian (50.0%) with 28% saying they had no religion. The 2 'Other' responses were Jedi and Pagan (Wiccan).

	%
Buddhist	0.0
Christian	50.0
Hindu	0.0
Jewish	0.0
Muslim	0.0
Sikh	0.0
No religion	28.1
Other	6.3
Prefer not to say	15.6

Taxi Licensing Policy **Appendix**

- i) The Appendix (redacted)
- ii) The Survey

Produced by Consultation and Engagement Team
for Dorset Council

October 2021

Q9 As you don't use taxis regularly, could you tell us any reasons you might have for not using them more often or at all?

As a licenced private hire driver and operator. I use taxi for occasional week night and weekend for recreational and leisure

Don't need them

I am a private hire driver so only use them on my occasional days off.

i am a taxi driver

I am a Taxi driver so I drive a Taxi, Occasionally I will use a taxi to get somewhere if required

I am a taxi driver, out side of work hours I use my personal car or walk.

I do not use Taxis Very Often Because I Work and I Need to drive to my jobs as I need to Carry Tools. I Also Walk Into Town if we are going for a few Drinks as We Live close to town and its Healthier To Walk. If we are going to an event out of town one of us will normally drive as we then have flexibility to leave when we want, unless we both want to have a drink then we will use Taxis but not very often used to be once or twice a year.

I don't go anywhere much at the moment. Also I drive and have a car, so only need them at the moment if I want to drink alcohol, or if I have been given a lift somewhere and then need to get home.

I don't need them more often

i drive

I use my own Taxi/vehicle

I use other private hire vehicles, buses and private transport

I usually walk!

I'm private hire driver myself

Only use for going to a restaurant (so as to not drink and drive) and to the airport for holidays

Only use them if I'm going out for a social event and would like to drink.

Too expensive

we live in a rural area and use a car for most of our journeys

Q11 Protection of children – what are your concerns?

the use of the term CSE is in urgent need of changing to safeguarding, it gives the wrong impression

Q13 Equalities – what are your concerns?

the training modules should be included as part of the safeguarding course in order to avoid increasing costs to the industry the exclusion from promoting those who do not feel the need to sit this additional course could be deemed to be showing preferential treatment to those who have paid for the additional course

Q14 Suitable vehicles - what are your concerns?

2.11 Electric vehicle I have purchased all electric PHV. There is a need for more charge points throughout county.

<p>2.11. Dorset Council recognises that action needs to be taken to protect the environment and the Licensing Team will work with the DC Highways Team to ensure a joined-up approach for any policies or strategies based on sustainability, such as the Electric Vehicle Charging Strategy. The Council will encourage the use of electric vehicles, and other Ultra Low Emission Vehicles by exploring the potential for reduced fees for applications for these types of vehicles. Any fees, or any changes to those fees will be subject to a separate consultation. No! Don't just explore the potential, legislate! If Dorset Council was serious about "protecting the environment" it would use its power in this instance to insist on all taxis being electric from now on. Not only do they produce fewer CO2 emissions over their lifetime but taxis operate in congested areas so air pollution should be a major factor in deciding what kind of vehicles to operate. Many taxis sit idling in the winter in order to keep their drivers warm, but meanwhile pollute the air which causes disease and illness for ordinary Dorset Council residents and voters who are pedestrians. This is a perfect example of how Dorset Council could use its (very limited) power to encourage more environmentally friendly forms of transport.</p>
<p>A great deal of drivers use diesel engines for their longevity of use and they need to be available for the foreseeable future. All electric and hybrid vehicles are prohibitive in purchase cost for a great deal of drivers, especially after the massive loss of earnings due to the pandemic.</p>
<p>Its about time dorset adopted a age limit for newly licenced vehicles . I personally dont think a taxi private hire vehilce should be licenced enicially if is more than 5years old</p>
<p>Requirement to change to all electric which are financially not viable. No infrastructure in place for this. No fare increase since 2017 a pandemic which has hit income yet drivers income not taken into account.</p>
<p>some high mileage vehicles can be in better condition than some newer ones and forcing a driver to change can render this profession unviable due to upfront costs in purchasing a newer vehicle. If a high mileage vehicle is maintained and can pass the council test then it should be up to the driver if he/she wants to replace</p>
<p>Some older vehicles may not have the same level of safety features. That some newer vehicles may have</p>
<p>The section below (2.13) does not seem to be fair or reasonable. I purchase all of my vehicles new and replace them between 6 to 8 months. None of my fleet of cars are over 8 months old and their mileage is always less than 6,000 miles and they are appear new when I sell them. Having to take new vehicles to be tested (again) when they are only 6 months old seems excessive and I disagree with the focus group. I feel the ruling would be fair if the 6 month mandatory checks are required when vehicles are at least 1 year old? 2.13. The work with focus groups suggest that it is the maintenance and upkeep of vehicles that is the most important consideration to assess the suitability of a vehicle rather than assigning an arbitrary age or mileage limit. For that reason, all vehicles will be inspected twice yearly by an approved garage to ensure compliance with the FTA Inspection Standards⁸ , or any subsequent National Standard.</p>

<p>Q15 Insurance - what are your concerns?</p>
<p>cat N</p>
<p>Checks on these vehicles need to be very stringent.</p>
<p>If written off cat. S is suitable to repair and then roadworthy to use on roads, so why isn't worthy to use for taxi purposes.</p>
<p>The vehicle may still not be safe</p>

<p>Q16 Zones - what are your concerns?</p>
<p>2.19 All other Hackney carriages will be able to use ranks in other area of Dorset apart from Weymouth. Driving in West Dorset for 38 years I have not once wanted to sit on a rank outside of west Dorset even when dropping customers in that area, in Dorchester we have a rank issue with limited spaces, and local drivers have to keep driving around the town trying to find an empty rank space, and you want to encourage more drivers to park on our ranks, unless you are going to introduce another 10n to 20 rank spaces in Dorchester which are suitably placed in the town you will cause a lot of problems with the local drivers. Drivers from other areas will be dropping customers at Dorset County Hospital and will have time to wait so they will take the opportunity to earn more money off our streets, taking money from our pockets, we do not have reason to do the same in their area ?? it is going to be one sided and local drivers will loose out./</p>
<p>Allowing drivers from other areas ti freely operate in small zones will have a negative effect on income, something that a great dealof drivers are already suffering from due to the pandemic.</p>
<p>As discussed in the meeting i dont want to get rid of the zones and i didnt think you were getting rid of them.</p>

Drivers all flocking to the busy areas leaving more rural areas not covered by a Taxi presence and urban areas being overwhelmed with drivers.
IF one policy for everyone so why Weymouth and Portland is better then others to have limit in hackney carriages
Possible deregulation on the weymouth and portland zone for hackney carriages.
Should all be under one plate as one council , save time and money for council
ultra-low emission vehicles (ULEVs) any application for a fully electric hackney carriage will also not be refused on the basis that the limit would be exceeded not sure how this fits in with the unmet demand survey referring to WAV's, this could inadvertently circumnavigate the 80 vehicle cap
When Dorset Council was formed it was made clear that all areas covered by Dorset Council would be under one umbrella. This idea was proposed on the basis that it would save the taxpayer money, merge services, share resources and reduce the spending and overheads of the Council. So far as a licenced PH driver and as an Operator I have never seen a saving on licensing. Whilst I have no real issue with Zone beings abolished (except for Weymouth & Portland) it does beg the questions that different parts of Dorset operator very differently, the job types vary widely, hours of service vary and income of the different areas differ very widely. This needs to be considered when costings and fares are structured. I disagree allowing a vehicle, which currently is licenced in East Dorset, for example, being able to rank up in West Dorset as this could allow certain areas to be flooded with vehicles and other areas having few or no cars available for hire. This will have an impact on passengers both negatively and positively but also could have a negative impact on drivers capabilities to earn. Drivers will not necessarily be competent in knowing the areas in which they are driving, therefore taking passengers on a longer route to their destination thus charging more. This undermines and makes the current knowledge test pointless. I for one expect a taxi driver to know within a few streets of where I live and the shortest route to and from my destination. For those people who have disabilities such as non verbal this could prove extremely difficult to explain and show the driver where they live. This could potentially result in someone being dropped off in the wrong place and left stranded.

Q17 Types of licence - what are your concerns?
As with my concerns over zones.
Costs of holding a dual licence! When some drivers may not need or want both.
Dorset Council will therefore issue all drivers with one combined badge and licences to drive both types of vehicle. this may not be required by many drivers, those with hackney vehicles may not wish to drive private hire as this could risk their hackney vehicle status due tot he cap, whilst private hire drivers may only carry out pre booked work such as airport runs and school runs. there is also the risk of confusion since a hackney driver whilst driving a private hire vehicle may think he can accept his or her own bookings, or even sit on a rank since the driver license allows taxi driving.
Having the licenses combined will only work if the price is right, raising the cost will push drivers out
I am concerned that the length of time it takes to licence a PH driver will increase due to the more onerous testing- eg geographical knowledge-
It all well and good issuing both PH and HC licences to those who wish to have them, but myself personally, I have no need for a HC licence nor would I want one. Will drivers be paying extra or double to be dual licensed? This is not mentioned or explained. As it's a strong possibility that Weymouth and Portland could be deregulated in 3 years, would it not make more sense to wait until that point to offer a dual licence?
Not really an issue unless there will be an extra charge for the privilege ?
Two tier should be kept in place. No combining licences.

Q18 Decisions - What are your concerns?
2.24 I have concerns that not 'fit and proper' person(s) have had hackney licences renewed following police investigations allegations of stalking, threats of violence and intemperate habits.
Decisions made by people not in the trade. Drivers/ Operators have had no input up until this point.
Decisions seem to be made regardless of drivers' input.
Need to be proportionate and fairness for all licence holders and operators.

there are issues with the IOL guidance, since it is only guidance, meaning there is no lawful reason why it should be adopted in full or even in part, whilst most of it makes sense and is reasonable, there is an issue around the historic issues and the disqualification for 7 years aspect.

Q19 Fares - What are your concerns?

Again, No fair increase since 2017 yet they are to be capped. Less income, more expenditure.

As a local taxi driver I know we have not had a tariff raise (north Dorset) since 2012. I recently signed a thing done by another driver [name redacted] requesting a 10% increase - I would have been happy to sign for a 15 or even 20% increase. It's clear that as other people's pay checks have risen inline with annual cost of living each year since 2012 - us taxi drivers have not received this. Also the volume of work has reduced which drops our income again... obviously compounded recently by Covid, but pre-covid that trend of reducing work was apparent.

Enforced increases can take away competition.

have to be affordable we live and service a small area

I do not understand how the maximum price works? 1. Are you saying that only a set price can be charged to a specific location regardless of the mileage involved (some areas are closer to Airports or Stations than others) ? 2. Will different companies come into different towns at different tariff rates making it more complicated for those that use the taxis regularly and affect the drivers / companies in those areas as they could loose work to the Cheaper companies (who are supplemented by having contracts with hospitals etc) ? which could then lead to drivers / companies going under. Or a Price War would develop, as it is currently some companies / drivers do not follow the current tariff rates/schedules as laid out. Also Taxi users seem to think currently they should be able to set the cost of a trip and can lead to arguments, many treat drivers badly. The current behaviour of many users towards taxis would be the same as going into a supermarket have £30.00 of goods and only want to pay £15.00 for it as that is all they want to pay (why is it £12.00 for 4 miles) the fact that is is 3 am in the morning seems irrelevant to them. Guidance / rules should come down from the council which needs to take the geography, the facilities and distances between locations of the areas that the taxis operating area into account which was part of the reasons for the varying zones!!!

More consultation with hackney and private hire before changes are made. So this practice, is not economically damaging. Simplified tariff cards in vehicles, more customer understanding.

Needs a price increase as haven't had one since 2012 and needs to be reviewed regularly

This needs to be consulted with drivers and for Dorset Council to fully understand what expenditures a driver has just to turn a profit and make a living wage from. Again different areas in Dorset are more affluent than others, have a greater reliance on taxis and have a different type of geography. A West Dorset Taxi could travel more distance to obtain their next fare than a Weymouth & Portland taxi would.

To set a maximum tariff across the whole area is not a bad thing, but to let the drivers set their own tariff will cause issues, it will start a price war which we have not had for several years, rank customers will complain about the price if they get into different vehicles and get charged different prices then its down to driver to explain why, if drivers are forced to drop their prices to keep a level playing field with the others I am concerned that the income will not support the full maintenance and upkeep of vehicles as corners will have to be cut, also new vehicles will not be bought to replace excising vehicles as income will not support the finance, so standards will drop. set a maximum charge by all means and all drivers have to use that tariff, then drivers can charge their regular customers what they want, that is what we do at the moment and it works OK.

Variation in the rates is driving down prices already. With some companies generally working for a lot less than meter rate. It is becoming uneconomical to do some journeys. The council should set the rates for the area and taxi firms should be obliged to charge those rates to keep the fairness between hackney carriages. This is the whole point of having a meter. The customer knows what the rates are in the area, as all cars charge the same. Rather than every firm charging differently and having to display these fares all over the vehicle. I believe how we have it now is the correct way and it should not be changed. In actual fact, the fares should be enforced to keep an even playing field between companies. With the proposed changes, big companies will now drive prices down to run the smaller firms out of business and then charge full whack once they're gone. Private hire is different as the fare is agreed in advance over the phone. That's the benefit of the private hire licence.

Q20 Licensed Vehicles should be easily identifiable - What are your concerns?

As mentioned in my email, I have the confidence of the Lord Lieutenant and other VIP's They most certainly would prefer to travel in unidentifiable vehicles for security reasons.

Having 'Pre-booked only' down the side of the car is pointless. How are we supposed to do wedding bookings with that down the side of a private hire vehicle? It is a ridiculous proposal. Fact of the matter is I have seen plenty of times private hire vehicles picking up customers that have not pre-booked. They open the window and tell them to call the telephone number on the side of the car... and the driver takes the booking in the car themselves. However they do not take all the relevant details from the customer that they should. Having 'Pre-booked only' on the side of the car isn't going to help. Customers don't care and will ask for a lift anyway. Its what happens. Policing the rules and policing the drivers is the only way to ensure private hire vehicles are not accepting customers off the street. With the new rules, we will massively reduce wedding and private bookings taken because of writing down the side of the vehicle. This is a massive issue!!!

HC are identifiable because they have a TAXI roof light. PH vehicles normally display the company's name they work from making them identifiable. Most companies are now computerised and offer ring back and text back and these give the customer the vehicle registration, make and model of the car that is for them, so they know in advance before the vehicle arrives. Some PH drivers only do school contract work and no other work, so having pre-booked only on them is irrelevant. Having pre-booked on a vehicle will make it no more identifiable. If you asked the general public what pre-booked on a vehicle meant I don't believe the majority would know or care. These vehicles may be a licensed taxi but they are also the only vehicles that a taxi driver own and used as their own private car, to have it livered up when being used privately can cause confusion. Many a times I have been in a supermarket on my day off and been approached as to whether or not I am their taxi. Taxis also being livered up can be an easy target for vehicle break ins and vandals.

My luxury private hire mercedes is easilly identified by a plate on the rear and a small plate on the inside on the Windscreen . My passangers do not need or would like the words pre book only on the side of my vehicle . As for those with plate exceptions In gillingham there are a few vehicles that have these exeptions and as far as i can see all they do is one or two Weddings a year and the rest of the time travel from a2b with county council school runs and genral taxi bussiness .

Personally, and I'm probably not the only one, I don't want my vehicle looking like a taxi when I am not working or when I'm on holiday as its my personal use vehicle as well. If the sign is to be on permanent for example on the doors, when it comes off to sell the vehicle the paintwork will be visually damaged- will the council pay for the respray? Also some drivers only do school runs, so a schools sign in the front and rear window would suffice

Too much identification, could possibly make vehicles a target. Also costing.

Q23 Codes – What are your concerns?

What About Actions of Other Drivers (non hackney etc) Towards Taxi Drivers. It is ok for them to be abusive to Taxi Drivers but not the other way around. Taxi Drivers are not the scum of the earth though on many occasions they are treated so by other road users! Some Previous Officials have also been agressive towards Drivers (even at times when it was the officials fault that the situation came about). If It is a level playing field then things will be ok but it does require some two way traffic!!

Q24 Complaint handling - What are your concerns?

Bureaucratic nonsense

Whenever I have had reason to complain to the Council, whether it be local or county, I have been responded to by cut and pasted documents and do not feel that concerns are either listened to nor truly cared about.

Q25 Inspections – What are your concerns?

Inspections to be carried out by Council approved garages where garages will not participate, therefore driving up costs for drivers.

Possible monopolisation of garages, limiting choice and availability for licence holder. Current mot legislation state that hackney carriages have there own inspection standard. However private hire vehicles come under the classification of cars. Thus as per dvsa standards they only require 1 mot inspection per year, regardless of mileage from the department of transport.

Q26 Sharing information - What are your concerns?

No information should be shared without the individual's written consent prior to any sharing of data.

Nonsense

there is no such thing as assumed consent anymore under GDPR, any sharing of information should be much clearer than is set out here, for example, the sharing of information council tax department would not be considered to be reasonably necessary also it is noted that when it comes to the DBS, sharing of information is not utilised in order to simplify the DBS procedure for drivers which is a simple solution since the DBS is issued to the same person, showing much the same details, and would be presented along with the update service reference number to the department concerned, to reinforce this view, the two certificates can actually be linked to the same update service reference number.

Q27 CCTV and Dash Cams - What are your concerns?

As mentioned in my email certain clients would not want conversations recorded for security reasons

Dash cams that are bought and installed by the driver are they going to be an issue with make and model, are the council going to insist what has to be used like Insurance companies ?

Invasion of privacy

My only concern here is regarding the privacy and personal data protection of our customers. Providing that can be ensured I see no problems

This section can be read to allow dashcams to record internally, which is simply not the case under ICO regulations, specifically: 1 devices must be securely mounted, in the case of a dashcam they are merely stuck to the windscreen using a sticky pad or suction cup, which makes them extremely easy to remove. 2 where there is audio, it must be disabled or only activated by way of a panic switch. in the case of most dashcams, the audio is active by default and there is no facility to install a panic switch. 3 all data must be secure and protection from unauthorised removal and viewing (the ICO refers to encryption) this is not the case with dashcams as the data is stored in the camera housing, is not encrypted, or if it is, the viewing software is readily available to download, rendering the encryption useless. many dashcams now come with dual lens either fixed, or as a separate lens which is intended for rear view, but those are invariably installed internally, in fact some even come with 3 lenses for this purpose. many drivers seem to believe that simply adding a sticker and registering themselves with the ICO, makes it lawful to use anything they like to record, which simply is not the case, this merely makes them the person legally responsible to ensure that any devices are compliant with very little information out there to explain what this means in practice. So we are extremely worried that this vague approach will further enhance the confusion. a simple addition to this section to read "Dashcams may only be used for external recording, and must have no audio recording functionality." would be a much better approach.

Q28 Criminal Convictions and Rehabilitation - What are your concerns?

I feel this is a great idea in principle, but I have knowledge regarding a local taxi driver who has been through court following physical assault - involving a knife... this is a case I believe the council are aware of, as I am also aware that another driver has been quite vocal about him informing the licensing team. My point... I fail to see that the council is taking its responsibilities seriously enough on this front

Changing from standard to enhanced dbs. Why? Spent is spent. Drivers will be persecuted for 20/30 year old offences.

having read appendix G, we see it refers to having worked with licensees on production on this "guidance" and yet there is no mention of any such organisation or representative body within the list shown, in fact there are areas of concern from the industry relating directly to this guidance, the only inclusion of trade bodies was in a pre lockdown workshop meeting which was set up after the issue of this guidance, not before as is stated.

The policy doesn't mention about police Voluntary Attendance interviews. These are used as an alternative to arrest to secure evidence by questioning. Do you want to be informed when a driver is interviewed about a criminal matter albeit not under arrest. Does the council also wish to know about other out of Court disposals such as Community Protection Warnings and Notices, Restorative Justice, Community Resolutions, Drugs Educations Programmes, Cannabis Warnings, and Education Courses as an alternative to prosecution (such as speeding or seatbelt offences).

Q29 Disclosure and Barring Service Checks (DBS checks) - What are your concerns?

Although I am happy to sign up to this to happen. And I currently hold an enhanced DBS, for school contract work. I would need to know how to sign up to this potential new service and the costs involved.

I dont agree with this policy . We have checks every three years . If a driver has been caught doing something illigal , the court would imform the council ! Yet more paper work and expence for bussness that are struggeking to recover from the Covid 19 pandemic.

i dont understand why dispatchers should have to have a dbs check where does it end otherwise next youll be saying a cashier at a supermarket needs a dbs check.

It has been proposed to make drivers undertake these checks very 6 months. This would be very costly for drivers and, if there are any administrative delays e.g. due to the pandemic, it can enforce drivers off the road and not earning a living, through no fault of their own. Two yearly checks would be more flexible.

More expense to the driver yet again. Not enough work and income for the extra expenditure.

The 6 monthly DBS check is just adding more costs to the profession, plus this will just cause a backlog on the checks as it can take several weeks just for the first one

Whilst I agree DBS checks should be carried out more frequently, it is also the responsibility of the driver to report any pending convictions and this put the 'fit and proper persons' to the test. Currently I believe a DBS for Licensing is different to the DBS needed for School Transport. I believe if you can not pass a DBS for school transport (Dorset Travel) should you be able to pass the DBS for licensing. We carry vulnerable adults and children for normal taxi jobs as well School Contract work. I'm all for supporting and signing up to the online service however there is no further information attached to these proposals outlining how to sign up, when to sign up and the cost.

Will This Come Into Affect only at licence renewal time (for some recently re-licensed drivers 3 years time) or will a New DBS be Required once this Policy is adopted? (As this leads to another cost to be borne by the driver as the update system can only be initialised within a set time of the DBS Being Carried out otherwise The Update can only be set up with a New DBS check being carried out and paid for)!! Will having the Update Mean the Drivers will No Longer have to Pay for the 3 Yearly DBS Check as you can see the updates live every day if you so require!! Will the DBS Fee & Renewal Fee Be Paid to DBS Or Dorset Council? What will the Cost Be? How do drivers sign up to the Update Through DBS Or Council? Will Guidance on this and the Procedure be sent out to Drivers?

Q30 Approved garages - What are your concerns?

Are all areas going to have designated garages to go to or are other areas just going to MOT stations of their choice, I feel that we should all be treated the same as we are now under the same Council ?

I agree taxis should have a yearly MOT (law by DVSA) and a 6 monthly inspection however I strongly disagree and oppose to having it carried out at any garage that the Council has approved. All MOT test stations are highly regulated as standard. Currently 6 monthly vehicles inspections can only be carried out by MOT approved garages. By allowing garages that only are council approved this may well reduce the number of available places to have an inspection and MOT carried out, thus causing a potential for long delays and a monopoly. I suggest any MOT test station can carry out an MOT and the 6 monthly inspection be carried out at a council approved garage. However, a survey needs to be carried out to see if enough garages in the area (for the amount of taxis) would be prepared to sign up to the council, agree with what's being asked of them such as checking meters etc and also to set a limit of what the maximum charge can be for such a test. Currently the Council have their own garage and maybe they could incorporate 6 monthly taxi inspections. With regards to checking taxi meters and installing taxi meters this can prevent a HC from working if they are unable to have a meter fitted or checked in a timely manner. The garages will need an auto electrician or taxi meter specialist to be able to fit, supply and maintain meters. They will also need a supply of microchips for any meter upgrades. Currently, with computerised operated taxi firms they are able to provide a price to the customer without a need for a taxi meter in a PH vehicle, thus this could make them obsolete in the future however HC laws state a HC must be fitted with a meter. There are several pit falls to only using council approved garages and I don't believe this proposed policy has explored this in the detail it is needed.

If any garage is MOT certified then they are fit to do the inspection. Bringing the council approved only garages rule in will cause a backlog as don't forget they have other customers that need work doing as well, as a mechanic is not going to want to be doing inspections all day at £30 a pop

Less choice and higher cost for inspections. Any MOT station should be allowed to carry these out. Less choice higher cost. Again paid for by the drivers.

Most drivers have mechanics that they know and trust and should not be forced to use a garage that is not of their own choice.

This will limit the number of garages willing to sign up, for, this. Due to the extra adhoc work involved. You could end up with only 1 or 2 garages, inspecting thousands of licenced vehicles each year. Charging as much as they want. All current vosa/dvsa mot test stations are already stringently regulated and inspected. The council can access, all vehicles mot and tax status, on the gov website. As a rule, when my car is inspected. The mot report will be sent to taxi licensing team, within 24 hours, so they can update their records. As for meters, when the council will not even supply tamper evidence seals to approved taxi meter installers. How can this practice be achievable.

we already travel a long way and dont want to go further again

Q32 Drivers - What are your concerns?

3.55 Historical events to be considered, is this is what is being contemplated?

A knowledge test of the local area is a concern as if we are all going to be able to work right across Dorset, a wider area will have to be tested since zones are being done away with. Medical examinations - This section appears to take 'bits and pieces' from different legislations in the UK and different sectors of the transport industry and has been 'chucked' together to form some sort of contradicting policy. I agree with Medicals being carried out by another GP other than your own providing they have full access to your medical history as this will ease the burden of trying to get an appointment with your registered GP, which we all know can be extremely difficult. I do believe more consideration needs to be taken on the frequency of medicals and requirements from medical professionals with guidance taken from legislative bodies to make it more coherent in what this change in policy is trying to achieve. I also believe it should be made mandatory for GP or medical professionals to contact the licensing authority should a driver present with medical issues that would impact their medical fitness to drive a taxi. I understand patient confidentiality and data protection however I have over the years known drivers to work when they shouldn't have, but because the GP hasn't contacted licensing there is nothing to stop them. Cost of License - This proposed policy needs to be made much more transparent as to the actual cost of fees. I also would like to see the TRUE costs of what the licensing departments need in order to run as we are led to believe that the licensing team operates at a not-for-profit. In recent years we have seen costs increase yet the services we received have dropped. I can not remember the last time I saw a licensing officer carrying out spot checks on vehicles, like was done in years previously. Largely I support the new proposed policy but it does appear to distinctly lack clarity, research and method.

Because of the very strict need for confidentiality for an enhanced check this information cannot be shared with any other department within the Council. If an applicant will be undertaking any School Contract work, they will have to complete checks with that department, this is because the coding under which the DBS check is undertaken is different for a general taxi licence and one for working with children or adults. Please see the comments on sharing of information here, the DBS is applied for by the same person, driving the same vehicle, in most cases, transporting the same passengers, the check is for the same purpose, which is the protection of children and vulnerable adults, so with the greatest of respect, if the two departments are using different coding, then work together and use the same coding. The whole point of the DBS update service was that it was and should be transferable, so if there is something stopping that from happening, then this needs to be addressed without the need for drivers to apply for two DBS certificates for the same job, which is effectively what is happening here. Child Sex Exploitation Awareness Training - forget the following explanatory paragraphs, which although they do explain it quite well, will not be seen by the public. Look at the words used and then consider how many this reads to the public! The Driving Standards Agency (DSA) provides a driving test specifically designed for hackney carriage and private hire drivers, this was actually abolished in December 2016 by the DVSA, so should ideally be removed from this policy, the driver training by local testers has been adopted by most local authorities as we can see is also the case here. A fresh medical will be required at every subsequent renewal. This time frame is relative to group 1 medicals, not group 2 medicals which are according to Group 2 Standards of Medical Fitness (as applied by the DVLA to the licensing of lorry and bus drivers every 5 years from the age of 45, and then annually at the age of 60. Cost of a licence 3.25. The fee for a licence will be made up of two parts, the application fee which covers the Council's costs in considering the application. This fee is payable in all circumstances and must be made at the time of applying. If a licence is granted there will be an additional licence fee which covers the costs of compliance. This is applaudable and in our view should be adopted by many other local authorities.

I would be concerned with people under 21 being drivers as many professional driving jobs stipulate over 21 and having held a licence for 3 years to drive in a professional role!!! (along with the associated insurance costs and questions as to their suitability for the role at that age) Have the Council taken into account any drivers that do not have internet or email facilities? Will there be a drivers hotline for those that do not have the other facilities or have limited knowledge of computers etc? Will the Council maintain postal notifications / phone calls rather than relying on email to contact drivers (as nobody knew of this survey as no notifications were sent to drivers from licensing or Dorset Council direct via email, letters or phone). There seems to be an awful lot expected from the drivers when it comes to keeping in touch! Who when working may very easily forget especially when it comes to renewals, medicals etc!! Whereas the council have dedicated staff to deal with this the drivers have themselves and that is all they have!!! Is there really a need for the Council to require drivers to have and bear the cost of having to have a medical every 3 years for all ages (18 to 65) of drivers?? (After a certain age a 3 yearly or yearly for over 65/70 would make sense)

The proposal of 3 year medicals, does not meet the standard of medical examination of other group 2 vocational driver medical standards. They should be every 5 years, until the age of 65. Then every year. It seems that a 3 year medical suits the council licensing more than the licence, due to the current 3 year licence renewal and provides no extra safety benefits to the public.

There is absolutely no reason as to why a driver has to get a medical on every renewal, until you reach a certain age or have medical issues. Its just another cost exercise. Its hard enough to get a general doctors appointment as it is

Q33 Vehicles - What are your concerns?

"Licences are specific to one vehicle and may not lawfully be transferred to a different vehicle" - Sometimes a vehicle can be taken off the road for whatever reason, such as an accident - written off, engine failure or no longer cost effective to run and needs to be replaced, does this mean the current license will not be able to be transferred to a new vehicle? If so does a driver have to pay another 12 months for a license when it may only have had use of 5 months on its previous? If this is the case, this will create more expenditure for the drivers and may encourage drivers to have a vehicle on the road that perhaps otherwise they may have replaced. This would be counter-productive to raising standards and safety for the passenger. Type - By removing an age limit on first licensing this may encourage old vehicles with less safety features. I agree 8 years and younger on first licensing is appropriate and measured. Does the 4 door and solid roof still apply for the type? If not this will cause issues for passenger accessibility? Sizes of vehicles - Consideration needs to be taken into the size of vehicles. Currently we are seeing an increase of folding mobility aids, such as walkers, wheelchairs and even mobility scooters. If vehicle sizes are reduced this also reduces luggage space, rendering some vehicles unable to carry such mobility aids. Again, there's lack of clarity also if these new policies are to be brought in this year it gives little time for drivers to prepare for these changes. Some drivers have only just changed their vehicles and are tied into HP or Lease Hire agreements ranging 1 year to 5 years this also needs to be considered. Is it known that a Vauxhall Zafira will still be licensed as able to carry 6 passengers or do the new seat size requirements render them as only being 4 passengers? Drivers purchase vehicles with a life span in mind and also for the type of work they undertake, this could render some vehicles unfit for the what the driver originally purchased it for.

4.33 More charging points needed, especially in rural locations.

As previously mentioned, having 'PRE-BOOKED ONLY' on the door does not solve the problem of picking up customers off the street. It means that wedding and fuction bookings will be massively reduced. Who wants wedding pictures with that down the side of the wedding car? This is a very bad proposal and it needs to be retracted, or an exemption made of wedding and private function bookings.

As stated earlier. All vehicles should be mot inspected at any qualified mot test station, as per dvsa guidelines

Expense. More bureaucracy, less income. Jumping through hoops for a trade not supported properly in the day to day functioning of the industry. Drivers pay out for a vehicle which is no longer financially viable.

If a garage is fit to do MOT's then its fit do the inspections. Where are these "Dorset Council mechanics" based or will be based.

the vehicle must not be driven whilst the application is being processed and until the new plate and/or paper licence is issued. this has recently been challenged in courts, no person should be rendered unemployed whilst simply awaiting local authority internal delays. Plate Exemptions 4.24. Plate exemptions will only be granted by exception and only if there is a need to remove a plate for matters relating to the safety of the occupant. Exemptions will only be granted if there has been evidence produced that satisfies the Council thatthere is a real and credible threat to safety of the person(s) travelling. this is an excellent approach, although may we suggest for cases where the exemption is long term, such as vulnerable children, then maybe an exemption disc to be displayed on the windscreen be issued CCTV see previous concerns regarding the use of internally recording dashcams.

Vehicles should not be over 4 years old at iinisial licening

Q36 Equality Charter – What are your concerns?

Surely Allowing Dogs to Sit on the Seats (especially if no restraint is provided by the owner to secure the dog safely) should not be allowed due to the risk of damage to the vehicle, Along with the vehicle having to be cleaned following the transportation of a dog that sits on the upholstery. In the event of an accident the risk to passengers if the dog is launched from on the seat if no Restraint is provided to connect the dog to the seat belts in the vehicle It would be safer All round if the dog was seated on the floor would it not??

Q37 Driver Code of Practice - What are your concerns?

My car is my office, if I want the radio on then I'll have it on regardless.

Q38 Vehicle Code of Practice - What are your concerns?

Child Seats - The law allows a child in a taxi to be carried on a lap without the need for a child seat or belt in the back seat. Over 3's should be in the back with a seat belt. it actually does not allow for anyone to be transported on anyone lap at all. in fact the law specifically prohibits such practices.

I completely agree all vehicles should be clean, presentable and maintained to a high standard, however to have vehicles judged by how many finger marks are on the boot is an absurd test. Most drivers like a clean car and many spend huge amounts of time and money having cars professionally valeted. However, during the bad weather you could be cleaning a car after every journey to meet the criteria. On Portland you only have to drive up Easton Lane and Grove Road after the lorries have exited from the stone site and the exterior of the car looks like it been through the quarries and off roading! (I have seen this first hand). Scratches - Unfortunately cars do pick up scratches and small dents (aka Shopping trolley dinks) and its inevitable, this includes customers scratching a dark car with something as simple a handbag as they are entering or exiting the car, high heels on the kick plates, buttons and zips on coats and customers who feel is ok to let go of the trolley which bangs into the car! With an average of 30 people in and out the car daily its inevitable! Will there be a maximum size of scratch to which this will fail the vehicle being passed? There needs to be some reality about how much these working vehicles have wear and tear to interior and exterior.

Q39 Driver Licence Conditions - What are your concerns?

Passengers Not to make any additional charges for doing so in (wheelchair), I believe this is happening and that customers are told a price for a trip and its more than meter price, I carry some customers who would rather travel in my vehicle which is not wheelchair accessible but I am cheaper so they will struggle in and out of my car.

surely if you only recieve 3 points for first offence you should not need to inform the council maybe if you get a second offence then i see that should be mandatory

Q40 Vehicle Licence Conditions - What are your concerns?

No smoking I have seen drivers driving and sat on a rank vaping and they get away with it how will this be enforced ?

Q42 Criminal Conviction Policy - What are your concerns?

1.3 1.4 1.6 1.8 in Appendix G. Does a Licensed Operator have to have a fixed abode? Does a pop up camp site or council emergency B&B accommodation following eviction qualify? Historical antecedent history of misogynistic abuse and threats of violence, civil proceedings, history of unpaid debt and high court enforcement. Should this disqualify a renewal or new application for the applicant to hackney or private hire.

3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers it actually doesnt, this misuse of the term causes various issues and in fact the word "taxi" or "cab" may not be used in connection with any private hire company, a taxi driver is the driver or a hackney carriage or taxi, whilst a private hire driver may only drive a private hire vehicle. Such misuse of the term opens up a whole new argument about the term when used to indicate taxis being able to use bus lanes, or taxi ranks, if the term means both, then surely the term used on signage also allows for both.

Q44 Please explain your answer (impact Q43)

Anything that regulates, and protects women and other vulnerable individuals has to be beneficial

As explained in every section I have concerns about. These proposals lack clarity for drivers, lack wider consultation with those needed to support and aid implementation. I believe this will have some negative impact on customers as they will be getting smaller cars, some that are difficult to get in and out of and vehicles that are old with less safety features such as side impact air bags. I believe if further consultation is not carried out the public will end up paying too much for a taxi services or on the flip side, drivers will not be able to make a living wage. There needs to be more time to enable drivers to adapt to vehicles changes and I do believe that we could face drivers being forced to leave the industry if more careful consideration is not taken. Drivers could be forced off the road if the garages are unable to fit the MOTs and Inspections in a timely manner, reducing the drivers earning capacity. This is the worst time economically to be introducing such changes in such uncertain times whilst we are still in a pandemic. What has already been a challenging 18 months is about to be made even more challenging. I do truly think consideration needs to be taken to delay these policy changes or gently transition the changes to allow everyone involved to be able to sustain the changes without undue hardship.

As Pointed out in my previous concerns on different subjects. I do not understand how the maximum price works? 1. Are you saying that only a set price can be charged to a specific location regardless of the mileage involved (some areas are closer to Airports or Stations than others) ? 2. Will different companies come into different towns at different tarriff rates making it more complicated for those that use the taxis regularly and affect the drivers / companies in those areas as they could loose work to the Cheaper companies (who are supplemented by having contracts with hospitals etc) ? which could then lead to drivers / companies going under. Or a Price War would develop, as it is currently some companies / drivers do not follow the current tariff rates/schedules as laid out. Also Taxi users seem to think currently they should be able to set the cost of a trip and can lead to arguments, many treat drivers badly. The current behaviour of many users towards taxis would be the same as going into a supermarket have £30.00 of goods and only want to pay £15.00 for it as that is all they want to pay (why is it £12.00 for 4 miles) the fact that is is 3 am in the morning seems irrelevant to them. Guidance / rules should come down from the council which needs to take the geography, the facilities and distances between locations of the areas that the taxis operating area into account which was part of the reasons for the varying zones!!! What About Actions of Other Drivers (non hackney etc) Towards Taxi Drivers. It is ok for them to be abusive to Taxi Drivers but not the other way around. Taxi Drivers are not the scum of the earth though on many occasions they are treated so by other road users! Some Previous Officials have also been agressive towards Drivers (even at times when it was the officials fault that the situation came about). If It is a level playing field then things will be ok but it does require some two way traffic!! Will The New DBS Policy Come Into Effect only at licence renewal time (for some recently re-licensed drivers 3 years time) or will a New DBS be Required once this Policy is adopted? (As this leads to another cost to be borne by the driver as the update system can only be initialised within a set time of the DBS Being Carried out otherwise The Update can only be set up with a New DBS check being carried out and paid for)!! Will having the Update Mean the Drivers will No Longer have to Pay for the 3 Yearly DBS Check as you can see the updates live every day if you so require!! Will the DBS Fee & Renewal Fee Be Paid to DBS Or Dorset Council? What will the Cost Be? How do drivers sign up to the Update Through DBS Or Council? Will Guidance on this and the Procedure be sent out to Drivers? I Would be concerned with people under 21 being drivers as Many Professional Driving Jobs stipulate over 21 and having held a Licence for 3 years to drive in a professional role!!! (along with the associated insurance costs and questions as to thier suitability for the role at that age) Have The Council Taken Into Account Any Drivers that Do Not Have Internet or Email Facilities? Will There Be A Drivers Hotline for Those that do not have the other facilities or have limited Knowledge of Computers etc Will The Council Maintain Postal Notifications / Phone Calls rather than relying on Email to contact Drivers (as nobody knew of this survey as no notifications sent to drivers from licensing or Dorset council direct via email, letters or phone). There Seems to be an awful lot expected from the Drivers when it comes to keeping in touch! who when working may very easily forget especially when it comes to renewals, medicals etc!! Where as the council have dedicated staff to deal with this the drivers have themselves and that is all they have !!! Is there really a need for the Council to require drivers to have and bear The Cost of having to have a Medical Every 3 Years for All Ages (18 to 65) of Drivers?? (After a Certain age a 3 yearly or yearly for

over 65/70 would make sense) Surely Allowing Dogs to Sit on the Seats (especially if no restraint is provided by the owner to secure the dog safely) should not be allowed due to the risk of damage to the vehicle, Along with the vehicle having to be cleaned following the transportation of a dog that sits on the upholstery. In the event of an accident the risk to passengers if the dog is launched from on the seat if no Restraint is provided to connect the dog to the seat belts in the vehicle It would be safer All round if the dog was seated on the floor would it not?? All Of These Things listed Above could and probably will affect drivers due to Associated costs, or the he potential to loose income, depending on the tarriff questions. Many Drivers & Companies are struggling as a result of the covid-19 pandemic and the future is still unknown, work and incomes levels still remain low and now the holiday season is ending income is dropping away rapidly. The Costs of Implementing the changes could be quite large and could / will cause drivers/companies to go under. Many Questions are still unanswered on the costs front and levelling up is not always possible or sensible when the varying geography, distances and services are taken into account along with increasing costs for running of vehicles etc.

Confusing! Why different coloured plates for areas? Who is going to check the credentials of drivers and cars before hiring? For hiring outside of your area, it appears that private hire only is available, is this correct? Nanny State strikes again!

Experienced drivers will leave the trade. Leaving open to the likes of Uber who will license in a different area and flood this area

i agree with most of the policys but not some like the zones, why do dispatchers have to have a dbs,the approved garages should be a fare distance for all taxi companies, the size of the new badges are ridiculous and you cannot wear around your neck.

I don't believe that bits of paper in an office draw are going to make much difference to day-to-day running. We will still have companies with substandard questionable cars, along with those with excellent vehicles. We will still have polite and hard working drivers (as I hope I am) and those with lower standards. Honestly I don't think much will change the level of work available to us drivers, or the public perception of us.

I don't know ? with all what is in the policy it has both Positive and Negative. Negative) as a owner driver for 38 years I have seen some changes but not all good, I only have 9 years left before I retire and since the pandemic my income has dropped considerably, it has been a struggle through covid 19 and I believe it will continue like this for a few more years, if the the tariff and opening the ranks to other drivers go ahead it will certainly have an impact on local drivers of Dorchester. Positive) The other changes will put the customers safety 1st.

I have concerns as to the "Weymouth" question. But would welcome the ability of the cessation of territorial divisions used by the industry for mutual sharing of contractual work amongst operators. Will save time, fuel and expense. I welcome the intent of electric vehicles.

I support the document, but not the parts previously mentioned. Having 'pre-booked only' down the side of the private hire vehicle should not be enforced. This will massively reduce the number of wedding and private function bookings.

I think that the changes proposed of increasing mechanical inspections, but taking away age limits on vehicles will increase safety in licensed vehicles. The DBS update service is an excellent improvement for driver safety. The only concern that I have amongst the changes is the combining of the licence types. Our drivers do a very specific job for school transport for children with special needs, and whilst they obviously do require a good geographical knowledge, it is not needed in the same depth as the hackney drivers, as they do regular routes. We understand that our business is different to many other operators I

I understand the rationale for the change. However, my situation may have been overlooked by the focus group as I doubt other operators run their businesses as I do. If I have to pay to have all of my new vehicles tested twice, it will have a financial impact on my business - this will inevitably be passed on to my customer. All of my fleet of cars are bought new and sold at 8 months old or when they reach 5,000 miles - whichever happens first. It does not feel right that I will be financially penalised for maintaining a new fleet of smart, clean, reliable vehicles. There should be an age which triggers the 6 monthly checks - 1 year old seems fair.

If things are working well,it seems pointless to change them, for the sake of change. Most drivers, whether hackney or private hire, are self employed and should not have their freedom of choice taken away from them nor enforced upon them.
it gives confidence that drivers and vehicles will be of a uniform high standard where ever you use a taxi in Dorset.
just means more money for you with some of the things you are going to put in like dbs medicals
Needs more transparency with regards to costs and implementation period.
None
The policy would reassure my clients regarding their own and their colleaguest security. Likewise the quality of service relating to drivers, vehicles and operators by having been approved and closely monitored by the Council.
There are already too many vehicles; although there is a need for more wheelchair accessible vehicles to be available.
there are issues as detailed within the comments submitted, provided they are resolved, then the impact would be positive.

Q45 Do you have any other comments about Dorset Council's Draft Taxi policy that you have not mentioned above
Drafted by people not in the trade.
I believe the correct spelling of courtesy has a U in it (and the word curtesy has a different meaning) CONTENTS - SECTION 6 - PAGE 29 & also in text of section 5.9
I have emailed [name redacted] on this issue to explain what some of the points mean but no response.
I kindly request to be involved in future with focus groups for proposed changes. I was not aware there were focus groups happening and would have liked to have been involved to contribute.
i think we pay well above at the minute with insurance lience mot tick tests and now you want dbs every six months etc i think we all should have emails out laying everything you want in this new policy i mean all hackney drivers and private hire drivers too as well as the companys we work for
More research and consultation with those directly and indirectly involved in helping these proposed policy changes to come into effect. I also believe Licensing need to work with drivers more and provide a reliable licensing service that help and support the drivers. This was NOT evident during lockdown. Very little information and support was offered to drivers during lockdown and licensing didn't even have the decency to make it widely known to license holders in Weymouth and Portland that local support grants were available as well as the SEISS grants. Dorset Travel provided a good deal of information and support to School Contract Drivers and it would have been nice for Licensing to have followed suit. Happy drivers make happy customers and happy public.
No
Not worth the effort.
Other than those two issues, I believe it looks good
Very little fact finding. Alot of old regulations from the old west Dorset District Council days that are no longer applicable in the this current climate. Although the policy could be a good one. The recommendations for medicals, mots and additional added to my request need to be addressed with more exploration needed.
When will Potential Questions & Costs Be Answered or Known and will it be before adoption of the Policy? Will All Drivers Be Notified and consulted? Will Communication with Drivers Be Improved between now and the implementation. Will The Actions of Customers, People with disabilities, Road users be considered during the next phase of this consultation? Do Drivers Remain able to refuse customers due to thier drunken state? Can Drivers Stop and remove troublesome or abusive customers with no fear of retribution? Do drivers have to suck it up and live with the verbal abuse, wrangling on prices and threats etc from customers? What Protection to drivers is supplied / given if this policy is adopted? Will the Taking of other Courses (C&G) Benefit The Drivers/Firms that have Paid out for the Courses?
Yes. I received this questionnaire but not the draft thing,.. please bare in mind I support things because I believe their important (like child protection and equality)

What we are proposing

The Draft Taxi Licensing Policy

This is Dorset Council's first Taxi Licensing Policy and Officers have prepared the draft policy with reference to the predecessor council policies and also through engagement with key stakeholders and interested parties through focus groups.

Prior to the formation of Dorset Council, each of the predecessor District and Borough Councils had their policies setting out how they would process hackney carriage and private hire matters. Due consideration of these policies has been taken when drafting the Dorset Council Taxi Policy and any areas of good practice have been retained and developed.

The new policy will be supported by a new fee structure for applications that will look to consolidate the current fees to ensure the income raised covers the cost of the taxi licensing function. Fees and tariffs will be consulted and advertised separately to this policy prior to coming into force.

You can view the draft Taxi Licensing Policy [here](#)

Consultation

This purpose of this survey is for you to tell us what you think about our draft Taxi Licensing Policy.

This consultation will last for 12 weeks, between Monday 28 June until midnight on 19 September 2021.

Please contact us by email customerservices@dorsetcouncil.gov.uk or phone 01305 221000 if you need the survey in another format or would like to respond in a different way e.g. a paper survey. You can also download a paper survey [here](#). Please return your survey to Licensing Team, Dorset Council, County Hall, Dorchester, Dorset. DT1 1XJ

The Survey

Are you responding as a...? (Tick all that apply)

- Hackney carriage proprietor (vehicle owner)
- Hackney carriage driver
- Private hire vehicle proprietor (vehicle owner)
- Private hire driver
- Private hire operator
- Employee of a private hire company
- Regular user of either hackney carriages or private hire vehicle
- A resident of Dorset
- A resident elsewhere
- Private business
- Public sector organisation
- Third sector organisation (Voluntary groups, Community groups, Charities)
- Councillor / Politician
- Other

If other please specify

Are you providing your organisation's official response?

- Yes
- No

Name of your organisation

Your name (as a member of the public or service user you may respond anonymously if you prefer)

Your contact email/phone if responding on behalf of an organisation (optional)

Your details will only be used for the purposes of this survey and will be held in accordance with our Data Protection Policy. This can be found on our website.

What is your postcode? (or local area if no postcode) (mandatory field)

Do you use taxis?

- Regularly
- Occasionally
- Never

As you don't use taxis regularly, could you tell us any reasons you might have for not using them more often or at all?

Question 1 (part a). The policy has a section on **General Principles** and these are listed below. Which of the following sections do you support?

	I support this section	I have concerns	I'm not sure
Protection of Children (page 7)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adults at risk (page 7)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equalities (page 8)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Suitable Vehicles (page 9)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insurance Write Offs (page 9)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Zones (page 9)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Types of licence (page 10)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Decisions (page 10)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fares (page 11)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Licensed Vehicles should be easily identifiable (page 11)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Protection of Children - What are your concerns?

Adults at risk- What are your concerns?

Equalities - What are your concerns?

Suitable vehicles - What are your concerns?

Insurance right offs - What are your concerns?

Zones - What are your concerns

Types of licence - What are your concerns

Decisions - What are your concerns

Fares - What are your concerns

Licensed Vehicles should be easily identifiable - What are your concerns

Question 1(part b). The policy has a section on General Principles and these are listed below. Which of the following sections do you support?

	I support this section	I have concerns	I'm not sure
Advertising (page 12)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Codes (page 12)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Complaint Handling (page 13)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inspections (page 13)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sharing Information (page 13)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
CCTV and Dash Cams (page 14)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Criminal Convictions and Rehabilitation (page 14)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disclosure and Barring Service Checks (DBS checks) (page 14)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Approved Garages (page 15)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Advertising - What are your concerns

Codes - What are your concerns

Complaint handling - What are your concerns?

Inspections - What are your concerns?

Sharing information - What are your concerns?

CCTV and Dash Cams - What are your concerns?

Criminal Convictions and Rehabilitation - What are your concerns?

Disclosure and Barring Service Checks (DBS checks) - What are your concerns?

Approved garages- What are your concerns?

Question 2. The policy has sections relating specifically to Drivers, Vehicles and Operators. Which of the following sections do you support?

	I support this section	I have concerns	I'm not sure
Drivers (pages 16 - 22)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicles (pages 23 - 26)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Operators (pages 27 - 28)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Drivers - What are your concerns?

Vehicles - What are your concerns?

Operators - What are your concerns?

Question 3. The policy has an Appendix and the sections of it are listed below. Which of the following sections do you support?

	I support this section	I have concerns	I'm not sure
Equality Charter (pages 29 - 30)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drivers Code of Practice (pages 30 - 31)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle Code of Practice (page 32)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Driver Licence Conditions (page 33)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle Licence Conditions (page 37)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Operator Licence Conditions (page 40)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Criminal Conviction Policy (pages 43 - 58)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Equality Charter - What are your concerns?

Driver Code of Practice - What are your concerns?

Vehicle Code of Practice - What are your concerns?

Driver Licence Conditions - What are your concerns?

Vehicle Licence Conditions - What are your concerns?

Operator Licence Conditions - What are your concerns?

Criminal Conviction Policy - What are your concerns?

Question 4: If the draft Tax policy was to be implemented, what impact do you feel this may have on you, your business or the wider community?

- A very positive impact
- A fairly positive impact
- A slightly positive impact
- No impact at all
- A slightly negative impact
- A fairly negative impact
- A very negative impact
- Don't know

Please explain your answer

A large, empty rectangular box with a thin grey border, intended for the user to write their explanation.

Question 5. Do you have any other comments about Dorset Council's draft Tax Policy that you have not mentioned above? Please do so in the box below.

About You

We collect diversity information, not only to ensure any changes do not unfairly impact on specific sectors of the community, but also to try to make sure our consultation response comes from a representative sample of local residents. We would appreciate if you can complete the following details.

Which age group do you belong to?

- Under 18
- 18 - 24
- 25 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 65 or over
- Prefer not to say

What is your gender?

- Male
- Female
- Prefer to self describe
- Prefer not to say

Please self describe below

The Equality Act 2010 describes a person as disabled if they have a longstanding physical or mental condition that has lasted, or is likely to last 12 months; and this condition has a substantial adverse effect on their ability to carry out normal day-to-day activities. People with some conditions (cancer, multiple sclerosis and HIV/AIDS for example) are considered to be disabled from the point that they are diagnosed.

Do you consider yourself to be disabled as set out in the Equality Act 2010?

- Yes
- No
- Prefer not to say

If yes, please tell us which type of impairment applies to you. You may have more than one type of impairment, so please select all the impairments that apply to you

- Physical disability
- Learning disability / difficulty
- Long-standing illness or health condition
- Mental health condition
- Sensory impairment (hearing, Sight or both)
- Prefer not to say
- Other (please specify)

Other

Please specify your ethnic group?

- White British
- White Irish
- Gypsy/Irish traveller
- Any other White background
- Asian/Asian British - Bangladeshi
- Asian/Asian British - Chinese
- Asian/Asian British - Indian
- Asian/Asian British - Pakistani
- Any other Asian background
- Black/Black British - African
- Black/Black British - Caribbean
- Any other Black background
- Mixed ethnic background - White and Asian
- Mixed ethnic background - White and Black African
- Mixed ethnic background - White and Black Caribbean
- Any other mixed background
- Prefer not to say
- Any other ethnic group (please specify)

Any other ethnic group

What best describes your religion/belief?

- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- No religion
- Other (please describe)
- Prefer not to say

Other (please describe)

Please be aware that any comments given on this form may be published in the report. However, the council will endeavour to remove any references that could identify individuals or organisations.

The consultation closes at midnight on Sunday 19 September 2021. After this date, all feedback will be analysed and considered before a final decision is made.

If you would like to be kept informed of the outcomes of this consultation and our new Taxi policy please leave your email below

Thank you for your time completing this consultation. Please now click submit.

Extract of draft notes of Informal Meeting of the Place and Resources Overview Committee on 19 October 2021

Taxi Licensing Policy

The committee received and considered a report of the Service Manager for Licensing and Community Safety Operations which set out the draft Taxi Licensing Policy for Dorset Council. The draft policy had been considered by the Licensing Committee and published in draft format for a period of public consultation. The Place and Resources Overview Committee was invited to consider the draft policy and provide any comments to the Licensing Committee to be held on 17 November 2021.

Councillors considered the draft policy and comments were made in the following areas:

- Welcoming of zoning measures in place in Weymouth
- Issues around advertising – there was support for further work to be undertaken in respect of advertising on taxis
- Clarification of DBS requirements
- It was noted that when fees and charges were set, there would be a concession for fully electric vehicles
- There was a request for further work to be undertaken in respect of the requirement for and use of dash cameras on taxis – this could be considered by the Licensing Committee
- Options for the provision of and content of receipts was to be reviewed
- A link to an online facility for recording lost property could be included on the relevant Dorset Council web page.

Having reviewed the draft Taxi Licensing Policy, the Place and Resources Overview Committee provided the comments as set out above to the Licensing Committee.

The Executive Director of Place confirmed that the points raised would be taken forward to the Licensing Committee.

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Taxi Licensing Policy

2022

Draft Version 9.3

Abstract

A policy to cover the Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Vehicles, Drivers and Operators under the Town Police Clause Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

Further copies of this document can be obtained from:

Licensing Team
Dorset Council
Colliton Park
Dorchester
Dorset
DT1 1XJ

Tel: 01305 251010

Email: licensingteamb@dorsetcouncil.gov.uk

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/taxi-private-hire-vehicle-licences/taxi-and-private-hire-vehicle-licences.aspx>

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Section 1 - Purpose and Scope of the Taxi Licensing Policy

Purpose

- 1.1. The purpose of licensing drivers, vehicles and operators for public or private hire is for the protection of the public who use this form of public transport. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust that the driver is honest, competent, safe and trustworthy, that the car being used is suitable, safe and well maintained. Passengers should also be confident that the people who take the bookings for those cars are trustworthy and will safeguard confidential information.
- 1.2. This policy will set out how Dorset Council will manage applications, make decisions about who can drive and what vehicles will be licenced, what is expected from those that are licenced and how the Council will deal with complaints. The policy will be used to assist officers, the Licensing Committee and Sub-Committees to make decisions that are fair, clear and consistent. It will also inform the travelling public of what they can expect from a vehicle, driver or operator licensed by Dorset Council.
- 1.3. **The Criminal Conviction Policy at Appendix G will come into immediate effect. The remainder of this policy takes effect from 1 April 2022**

Formulating the Policy

- 1.4. In creating this policy, and in all matters relating to the licensing of taxis and private hire vehicles Dorset Council will have regard to:
 - The law¹
 - The Department for Transport Statutory Taxi & Private Hire Vehicle Standards July 2020 (DfT Standards)²
 - The Department for Transport Taxi and Private Hire Vehicle Best Practice Guidance March 2020 (DfT Best Practice)³
 - Freight Transport Association Hackney Carriage and Private Hire Vehicles National Inspection Standards August 2012 (FTA National Standards)⁴
 - Institute of Licensing Guidance on Determining the Suitability of Applicants April 2018 (IoL - Safe and Suitable)⁵
 - Dorset Council's Plan 2020 to 2024⁶ (DC Plan)
- 1.5. The Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory standards in July 2020 which contains several recommendations that the Department for Transport (DfT) expects Councils to incorporate in their taxi licensing policies unless there is a compelling

¹ [Town Police Clauses Act 1847](#), [Local Government Miscellaneous Provisions Act 1976](#), [Transport Act 1980](#)
[Equalities Act 2010](#)

² [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)

³ [Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(publishing.service.gov.uk\)](#)

⁴ [GetFile.aspx \(logistics.org.uk\)](#)

⁵ [Guidance on Suitability Web Version \(16 May 2018\).pdf \(instituteoflicensing.org\)](#)

⁶ [Dorset Council's Plan](#)

reason not to. This policy has been prepared incorporating all the recommendations contained within the DfT Standards.

- 1.6. Dorset Council was formed on 1 April 2019 from four District Councils, one Borough Council and the County Council. The policies of the five predecessor District and Borough Councils have been considered and areas of good practice within them is contained within the Dorset Council Tax Licensing Policy.
- 1.7. Several small focus groups consisting of Councillors, the trade, officers and Equality Groups have helped formulate this draft policy and the policy will be put out to public consultation for 12 weeks. All consultation responses will be considered before the final version of the Policy is presented to Full Council for adoption.
- 1.8. Any reference to “Taxi” in this policy includes both Hackney Carriages and Private Hire Vehicles.
- 1.9. This policy will be subject to a full review during 2026 with a view to a revised Policy being implemented at the beginning of 2027. There will also be an annual interim review of the Policy to incorporate any emerging issues that may need to be addressed.

Consultation

- 1.10. In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:
 - Existing licence holders and their representatives
 - Representatives of local business
 - Local residents and their representatives
 - Local Councillors
 - Parish and town councils
 - Local members of parliament
 - Dorset Police
 - Dorset Council – Children’s Services
 - Dorset Council – Adults Services
 - Dorset Council – School Contract Service
 - Dorset Council – Highways
 - Dorset Council - Fleet
 - Adjoining Councils
 - Dorset Disability Forum

Process for Adoption of the Policy

- 1.11. The draft policy will go through a number of committee meetings for consideration prior to adoption;
 - i. Licensing Committee
 - ii. Consultation
 - iii. Place and Resources Overview Committee
 - iv. Licensing Committee

Section 2 - General Principles

Importance of the Taxi Trade

- 2.1. Dorset Council recognises that the taxi trade is a fundamental component of the public transport network, especially in more rural areas of Dorset where it can be the only form of public transport. It is a heavily regulated industry for good reason, but Dorset Council will look to reduce the burden to licence holders where possible but only when the primary aim of the regulation, which is the safety of passengers, is not compromised to any degree.
- 2.2. The Council will hold meetings with the taxi trade at least twice a year and will send out regular newsletters to the taxi trade and to the Councillors sitting on the Licensing Committee.
- 2.3. Dorset Council is committed to providing online application processes across all areas to enable interactions with the Council to be completed at a time and in a place that suits the user. Currently applications for licences can be completed online in most areas already, and it is planned that this will be available across the whole area as soon as practicable.

Protection of Children

- 2.4. Whilst the safety of everyone who uses licensed vehicles is of paramount importance, there are special concerns around children after well publicised cases of **Safeguarding** in other areas of the country. Most licensed drivers have completed a classroom-based form of **Safeguarding** training. Dorset Council will continue to support specialised training in this area for all new applicants to ensure they are aware of how to identify, and how to report any concerns they have that may indicate child exploitation, including County Lines involvement, Female Genital Mutilation or children being groomed. For any licensed drivers who have not completed any classroom based **Safeguarding** training this will need to be completed during the term of their next licence. Training will be regularly updated to incorporate any emerging trends. The licensing team will liaise with both the police and Dorset Council's children's service teams to ensure there is a joined-up approach to protecting young people, and we will undertake to advise drivers and operators of any areas of concern that they need to be aware of. As training evolves and becomes available, it may be incorporated into requirements for the renewal of driver's licences. Before any changes to mandatory training are made, all current drivers and all operators who may take on new drivers will be consulted, and enough time will be allowed for any current licence holder to complete the training during their next licence term.

Adults at Risk

- 2.5. The DfT Standards were brought in to protect adults who are at risk as well as children. Adults at risk are defined in section 42 of the Care Act 2014 and apply to any adult who;
 - a. has needs for care and support (whether or not the Authority is meeting any of those needs),
 - b. is experiencing or is at risk of abuse or neglect and
 - c. As a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

Dorset Council and Dorset Police have a joined-up approach to safeguarding and have a Multi-Agency Safeguarding Group which will both pass on and receive information relating to any complaints concerning vulnerable adults and taxis. All complaints that relate to a Vulnerable Adult will be referred to the MASH and there will be a co-ordinated response to any such matters. Taxis are such a vital method of transport for Vulnerable Adults that swift action may be taken if the safety of any Vulnerable Adult is in any way put at risk. It is important that every person travelling in a taxi not only is safe but feels safe as well.

The Council is committed to improving the safety of residents and visitors to Dorset and is currently reviewing the content of its mandatory safeguarding courses to include additional areas for improvement, including for example Domestic Abuse Awareness Training. Taxi drivers are valuable members of the community and can be a first point of contact for vulnerable adults in need of assistance and licence holders will be trained to spot the signs of abuse and respond appropriately where necessary, including signposting to services where potential victims can go for assistance.

Equalities

- 2.6. Dorset Council is committed to building strong, healthy communities which will support inclusivity⁷. Addressing equality issues has historically involved keeping lists of Wheelchair Accessible Vehicles (WAVs). However not all people with disabilities use wheelchairs and so in formulating this policy Dorset Council is looking to undertake its duty under the Equalities Act by encouraging training in a diverse range of disabilities, creating a rating system based on the completion of training courses which will be advertised on the Council's web site and introducing an Equality Charter to inform drivers and operators of the standards that are expected of them, and to inform the travelling public of what standard of service they may expect.
- 2.7. It is estimated that around 1 in 5 people have one or more disabilities, many of which will be hidden. Rather than thinking in terms of specific disability this policy seeks to set an expectation that ALL people no matter what challenges they face have the same opportunity to access this form of public transport that is vital to being able to travel about in and out of Dorset. We want to ensure that equality is not a matter of treating everyone the same way, it is a matter of making sure that everyone can use a taxi safely and in comfort and that drivers and operators will take actions to ensure that anyone with a disability of any kind does not feel disadvantaged. This goes beyond allowing anyone using a dog to sit with them in a licensed vehicle to actively assisting elderly passengers with frames or walkers, to treating blind people with extra consideration when they exit a vehicle to ensure they are aware of where they are.
- 2.8. The "Equality Charter" (found at appendix A) will be used as a measure to judge complaints by. Dorset Council commit to ~~robustly enforcing~~ **actively promoting** compliance with the Charter and driving out the inequality and the treatment of the disabled as 'second class' citizens and will deal with any reported incidents of either direct or in-direct discrimination by written warning if it is a first complaint or if it is a repeat complaint, by referral directly to a Sub-Committee.
- 2.9. The Council will work with third party providers to create training modules which will be made available that will lead to accreditation and a star rating system. These will be developed to include specific disabilities or types of disabilities and may also expand to training courses in additional areas for example, in suicide awareness. These courses are introduced to improve the quality of

⁷ [Strong, healthy communities \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk)

service and it will be a prerequisite that anyone signing up for the course may promote their services via their contact details being included in lists that are available to potential passengers.

- 2.10. We will provide a directory of drivers or operators who have passed specific training modules on our web site and make available in a written or other suitable format to anyone who requests it.

Suitable Vehicles

- 2.11. Dorset Council recognises that action needs to be taken to protect the environment and the Licensing Team will work with the DC Highways Team to ensure a joined-up approach for any policies or strategies based on sustainability, such as the Electric Vehicle Charging Strategy. The Council will encourage the use of electric vehicles, and other Ultra Low Emission Vehicles by exploring the potential for reduced fees for applications for these types of vehicles. Any fees, or any changes to those fees will be subject to a separate consultation.
- 2.12. There are different approaches that can be taken to ensuring that vehicles are suitable to be licensed either by age, mileage or type. The area covered by Dorset Council is varied and the work carried out by licensed vehicles is equally varied. Therefore, the Council will not stipulate what types of vehicles may be licensed but will only licence a vehicle to carry the number of full-sized adult seats.
- 2.13. The work with focus groups suggest that it is the maintenance and upkeep of vehicles that is the most important consideration to assess the suitability of a vehicle rather than assigning an arbitrary age or mileage limit. For that reason, all vehicles will be inspected twice yearly by an approved garage to ensure compliance with the FTA Inspection Standards⁸, or any subsequent National Standard.
- 2.14. Vehicles may also be subject to spot checks by licensing officers, with or without partner agencies, to ensure they comply with the Vehicle Code of Practice found at appendix C.

Insurance Write Offs

- 2.15. Insurance write offs will not be licensed if they fall in categories A, B or S as these vehicles will have been written off after suffering structural damage. Vehicles written off under ~~class~~ Cat N may be licensed as they will not have been written off for sustaining any structural damage and will have to undergo comprehensive mechanical safety checks⁹.

Zones

- 2.16. It is the Dorset Council's ambition that all licences should be aligned with the area covered by Dorset Council, in line with the recommendation in the DfT Best Practice¹⁰. It is recognised that this may cause issues, particularly in the one area where there is a limit on the number of hackney carriages that are licensed. The Unmet Demand Survey carried out in 2020 for Weymouth found that there was no unmet demand in general, although there was some unmet demand for

⁸ [GetFile.aspx \(logistics.org.uk\)](#)

⁹ [What is an insurance write-off? Your Guide to Cat A, B, S \(C\) & N \(D\) | RAC Drive](#)

¹⁰ [Paragraphs 89–91 DfT Best Practice](#)

wheelchair accessible vehicles (WAVs). Hackney Carriage owners in Weymouth pay an additional premium over three years to cover the cost of the survey, which is in the region of £12K.

- 2.17. Zoning will be removed from all the Dorset Council Areas where there are currently no limits to the number of vehicles. In the area formerly covered by Weymouth and Portland Borough Council the limit of 80 Hackney Carriages will remain in place for a period of three years. The consequence of having a limit is that it enables an authority to refuse any application if it would result in the limit being exceeded. However, because the Survey did find some unmet demand for WAVs, any application for a WAV will not be refused on the basis that the limit would be exceeded.
- 2.18. In addition, to support the climate emergency and to encourage ultra-low emission vehicles (ULEVs) any application for a fully electric hackney carriage will also not be refused on the basis that the limit would be exceeded. This policy will be reviewed in 2023 and affected licence holders will be consulted on any proposals to carry out (and pay for) another survey or to remove the limit of hackney carriages in the Weymouth area instead.
- 2.19. The effect of retaining this zone for Weymouth will mean that for hackney carriages only, those vehicles plated with a Weymouth Plate will be the only vehicles allowed to stand for hire on Weymouth Ranks. Weymouth hackney carriages will only be able to ply for hire within the Weymouth Zone. All other hackney carriages will be able to use ranks in any other area of Dorset, apart from Weymouth.

Types of Licence

- 2.20. Hackney carriages and private hire vehicles are covered by different Acts of Parliament, with hackney carriages covered by the Town Police Clauses Act 1847 (TPCA47) and the Local Government Miscellaneous Provisions Act 1976 (LGMPA76)¹¹ and private hire vehicles covered only by the LGMPA76. Both hackney carriages and private hire vehicles can be booked over the phone or via a Booking App, but only hackney carriages can stand for hire on a rank or be hailed in the street.
- 2.21. Dorset Council is committed to cutting unnecessary bureaucracy. The predecessor Councils dealt with licensing drivers in a variety of ways with some of the Councils opting to issue combined driver's licences. As the same standards are applied to test the suitability of driver whether they drive a hackney carriage or a private hire vehicle this seems to be a sensible approach especially as driver's licences typically last for three years and drivers may change the type of vehicle they drive during that three years. Dorset Council will therefore issue all drivers with one combined badge and licences to drive both types of vehicle.

Decisions

- 2.22. This Policy enables officers to grant and issue licences to drivers, vehicles and operators where the criteria of this Policy are fully met, under delegated authority. Any matters that fall outside of the Policy will be referred to a Sub-Committee of three trained Councillors from the Council's Licensing

¹¹ [Town Police Clauses Act 1847](#), [Local Government Miscellaneous Provisions Act 1976](#).

Committee¹². All decisions will be taken with reference to the following, and any new version of them; -

- applicable law,
- this policy
- DfT Standards
- DfT Best Practice Guidance
- NTA National Standards
- IoL - Safe and Suitable

2.23. Applicants, drivers, vehicle owners or operators who are referred to a Sub-Committee will be given a copy of the officer's report containing all the information that the Sub-Committee will consider at least five working days prior to the hearing. Applicants or licensed holders will be invited to attend the hearing and give any information they believe is relevant to the Sub-Committee, and they can expect to be asked questions relating to the information contained in the report. Anyone appearing at a Sub-Committee may submit a statement for the Sub-Committee to consider prior to the hearing or at the hearing itself. Applicants and licence holders can bring legal representatives or any other person who will give them support to the hearing. All Sub-Committees will be held in private and will not be open to the public or the press, however decisions that are made may be reported anonymously in a general newsletter. Organising Sub-Committees takes considerable resources and so in the event of an applicant or licence holder not attending a hearing, the Sub-Committee will decide whether to continue in their absence or to adjourn the hearing to another time. If an applicant, driver or operator fails to attend for a second hearing officers will normally recommend that there is no further adjournment and the matter is heard.

2.24. There may be circumstances where immediate decisions need to be taken on matters of importance, in which case, they will be taken by the Service Manager or Licensing Team Leader in liaison with the Chair or Vice Chair of the Licensing Committee. This will only occur in cases where there is an immediate threat to the safety of the public and any delay would be of such a high risk that normal processes do not apply, such circumstances could be in cases of potential sexual exploitation or any other matter that in the Team Leader or Service Manager's opinion pose an imminent threat to the safety of the travelling public.

Fares

2.25. Dorset Council must balance the ability of drivers to earn a living with ensuring fair access to this important mode of transport for all. Because there will be no zones, apart from the Weymouth and Portland Zone, there will be one maximum tariff set for all hackney carriages across the whole of the Council area. It is recognised that different areas may suit different tariffs and there is a need to allow an open market so there will only be a maximum limit set over which it will be an offence to charge. Vehicle proprietors are free to set their meters to a level that is equal or less than each element of the maximum allowed.

2.26. Vehicle proprietors are encouraged to clearly display the rates that they charge in a manner that can be viewed from the outside of vehicles so that customers are aware what they can expect to be charged.

¹² [Committee details - Licensing Committee - Dorset Council](#)

Licensed Vehicles should be easily identifiable.

- 2.27. It is imperative for safety reasons that licensed vehicles are easily recognisable as bona fide, licensed vehicles. All vehicles will be required to have plates on the outside rear of the vehicle, that are clearly visible to anyone travelling behind the vehicle, and smaller internal plates displayed in the windscreen of a vehicle, so they are identifiable from the front as they approach customers.
- 2.28. Door stickers will be required for private hire vehicles stating “Pre-Booked Only”. These stickers must remain on the private hire vehicle at all times unless, and in exceptional circumstances where they are operating under a plate exemption when they can be removed for the time that the exemption applies.
- 2.29. There may very occasionally be exceptional circumstances where exemptions from the display of private hire vehicle plates will be considered but this will only be in exceptional circumstances, for example where the safety of the passenger(s) being transported in a plated vehicle would be compromised. Any request to obtain an exemption for the display of plates will need to be supported by evidence such as a contract or letter explaining why the passenger’s safety is compromised by the display of a plate. Any vehicle with an exemption certificate will be required to retain their plate in the boot, or other safe place if there is no boot, at all times.

Advertising.

- 2.30. Previous predecessor Council policies have included restricting third party advertisements on licensed vehicles, however it is the Council’s view that these vehicles form part of the public transport network and other providers are permitted to have advertisements for third parties both inside and outside of vehicles, so taxis should also, within specific parameters.
- 2.31. Advertisements can provide alternative sources of income to taxi proprietors which will be allowed as it means that proprietors do not have to rely solely on fares for their earnings.
- 2.32. This must be balanced with the requirement to ensure that taxis are easily identifiable to any hirer and to ensure the safety and comfort of passengers. Therefore, third party advertisements are permissible, but they must be restricted to areas of the vehicle that do not contain important information such as the name of the operator or any identifying licence plates, signs or numbers.
- 2.33. Any vehicle proprietor should send pictures or diagrams of any proposed advertisements and where they will be placed on the vehicle into the Licensing Team. Officers will only object to their placement if they interfere with the identification of the vehicle or obscure window screens or back windows enough to cause a potential hazard or block the view of passengers.
- 2.34. Any advertisement must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency so all advertisements must be legal, decent, honest, and truthful. The code can be found here: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

Codes

- 2.35. In addition to the Equality Charter Dorset Council has set out “codes of practice” which all licensed drivers are expected to adhere to, and which will be used when drivers and vehicles are inspected, when complaints are received and investigated and to assist with decision making. There are codes to cover vehicle cleanliness and the appearance and behaviour of drivers to other drivers, other road users, passengers and officers of the Council.

Complaint Handling

- 2.36. All complaints that are received by Dorset Council will be investigated, but not all will result in any action being taken. Records will be kept of all complaints made and any action taken. Any patterns identified in relation to a company or a particular driver may result in actions such as written warnings or referrals to a Sub-Committee to consider whether the licence holder remains a “fit and proper person” to hold a licence.
- 2.37. If a complaint is found to be justified, that the driver, operator or vehicle owner has not complied with either a condition of licence or a code of practice, they may receive a verbal warning for a first complaint. Should a second complaint be investigated and upheld the licence holder could normally expect to be issued with a written warning. Any further complaints would normally be reported to Committee to consider whether the licence holder remains a “fit and proper person” to hold a licence. However, there may be times when a matter will remain at a verbal warning stage, equally there may be occasions when a matter is so serious it needs to be escalated straight to a Sub-Committee hearing without either a verbal or written warning having been issued.
- 2.38. Any complaints about discrimination, inappropriate sexual behaviour or language involving children will be treated particularly robustly and where there is a credible and immediate threat to a child or other passengers an immediate suspension of a licence will be considered by the Licensing Team Leader or the Service Manager in consultation with the Chair or Vice Chair of the Licensing Committee.

Inspections

- 2.39. All vehicles, **12 months or older**, will have to comply with scheduled mechanical inspections every six months. Any failure to present a vehicle to a booked appointment may result in the suspension of the vehicle licence, unless there are exceptional circumstances, or the vehicle is re-booked and re-presented at the garage within 14 days.
- 2.40. Vehicle licences may also be suspended if they fail the mechanical inspection if the failure is, in the professional opinion of the mechanic carrying out the inspection, likely to affect the safety or suitability of the vehicle.
- 2.41. Drivers, vehicles and operators may be inspected on an ad hoc basis by officers of the Council. Licence holders will be expected to co-operate with these inspections it is not intended that these inspections will be overburdensome.

Sharing Information

- 2.42. Dorset Council may share information about drivers, vehicles and operators with the Police, other teams within the Council, HMRC and other Government Departments and other Local Authorities. **This will be limited to matters relating to prevention or detection of crime, fraud initiatives, investigation of complaints or any matter that may relate to Dorset Council Contracts.**
- 2.43. Dorset Council will record any revocations or any decisions to refuse to licence on the Local Government National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3)¹³.

CCTV and Dash Cams

- 2.44. Dorset Council covers a large and diverse area and there is no evidence available to suggest that the use of CCTV should be made mandatory, suitable evidence would relate to the prevention of crime and to consider a mandatory requirement there would need to be large numbers of complaints or reported incidents of violence towards drivers.
- 2.45. However, the value of CCTV and Dash Cams are recognised as is the footage they capture. Dorset Council encourages any use of cameras that comply with the Data Protection Principles as laid out by the Information Commissioners Office (ICO)¹⁴. Officers may ask to see the Data Protection Impact Assessment (DPIA) that should be completed before installing any CCTV.
- 2.46. Proprietors should inform the Licensing Team when any cameras are fitted. Where it is installed, officers will expect to receive any data relating to a complaint that is requested and any failure to supply the data will be taken into consideration and may result in a matter being referred to a Sub-Committee.

Criminal Convictions and Rehabilitation

- 2.44. The Council takes its responsibilities very seriously and welcomes the national guidance on determining the suitability of applicants and licence holders that was produced in April 2018 by the Institute of Licensing in partnership with the Lawyers in Local Government (LLG), National Association of Licensing Enforcement Officers (NALEO) and the Local Government Association (LGA). Dorset Council adopts this guide as its Criminal Conviction Policy, the full version can be found at Appendix G.

Disclosure and Barring Service Checks (DBS checks)

- 2.45. Previous policies have required that Enhanced Disclosure and Barring Service Checks (DBS checks) will be carried out every three years for drivers, with annual Basic DBS Checks being required for any private hire operator or vehicle proprietor who does not hold a taxi driver's licence. In line with the Statutory Guidance, drivers will now be required to sign up to the update service or have DBS checks completed every six months. Vehicle proprietors and Operators without drivers

¹³ [National Register of Taxi and Private Hire Licence Revocations and Refusals \(NR3\) | Local Government Association](#)

¹⁴ [Installing CCTV? Things you need to do first | ICO](#)

licences will continue to need a basic check completed when they initially licence and Operators will also be required to evidence they have seen Basic DBS checks for all their booking and dispatch staff. Further details about the DBS checks can be found in paragraphs 3.8 – 3.13 for drivers, 4.16 for vehicle proprietors and 5.2 and 5.7 for operators and their staff.

Approved Garages

- 2.46. Inspections will be able to be carried out at any garage that the Council has approved. Only garages authorised to carry out MOTs may apply to be on the list of approved garages, and they will have to sign an agreement to;
- inspect vehicles to the standard as set out in the FTA National Inspection Standards
 - inspect the exterior and interior of the vehicle for cleanliness and damage,
 - test any meters or signs,
 - send information to the Council electronically, and
 - inform the Licensing Team immediately of any failures.
- 2.47. Contracts for approved garages will be issued annually and will automatically lapse if the garage is no longer authorised by DVSA to carry out MOT Inspections. Any complaints will be investigated, and the Licensing Team may carry out testing of approved garages for quality control purposes to ensure that standards are maintained throughout the term of the contract.

Section 3 - Drivers

Introduction

- 3.1. Dorset Council will only grant any driver's licences to an applicant who is over 18, has held a driving licence for at least 12 months and the Council are satisfied is a "fit and proper person" to hold such a licence.

Fit and Proper

- 3.2. To assist the Council to decide whether a person is fit and proper the following checks will be made-
- Right to work in the UK
 - UK driving licence
 - Criminal record
 - Medical history
 - Driving ability
 - Ability to speak and understand English
 - Knowledge of the law and this DC Taxi Policy
 - Knowledge of the area
 - Understanding and awareness of CSE
 - Confirm [registration for tax](#)
- 3.3. The application form must be completed accurately and honestly as if evidence is found that an applicant or licence holder has provided false information or omitted any relevant information in

any application or submission to the Council, the application may be refused or any licence issued as a consequence of the incorrect or omitted information may be revoked.

- 3.4. This policy has been produced following the Statutory Taxi and Private Hire Vehicle Standards produced by the Department of Transport in July 2020. In every consideration of an application Dorset Council will take regard to these standards, the DfT Best Practice Guidance and IoL - Safe and Suitable, and any updated versions, when making any decisions relating to drivers.

Right to work in the UK

- 3.5. Applicants must provide proof that they have a statutory right to work in the UK and checks will be made with the relevant agencies. Any applicant who has a limited right to work will not be issued a driver licence for a period longer than that limited period. The current list of documents that are acceptable for ID checks is available on the web page¹⁵ as this list may be subject to change in line with any Government requirements.
- 3.6. National insurance numbers will be recorded and shared yearly with the Government as part of the National Fraud Initiative.

UK Driving Licence

- 3.7. Applicants must be over 18 years of age and have held a full driving licence issued in the UK for at least 12 months. Drivers holding only foreign driving licences must obtain a GB counterpart document, if it is available, or obtain a Full UK driving licence.

Criminal Record Check

- 3.8. A criminal record check on a driver is seen as an important safety measure. Dorset Council require an Enhanced Disclosure and a check of the Adults and Children's Barring Lists to be completed by all applicants for driver's licences. The Council is an approved Disclosure and Barring Service registered body; therefore, applicants must deal with the Disclosure and Barring Service through the Council and the required fee incorporated within the application fee.
- 3.9. The Rehabilitation of Offenders Act 1974 does not apply to applicants for drivers' licences and applicants are required to disclose all convictions, including those that would normally be regarded as spent, as well as arrests, charges or cautions on their application form. Applicants with relevant offences, cautions, charges or arrests or who have failed to declare them on their forms will be referred to a Licensing Sub-Committee for consideration.
- 3.10. Dorset Council is bound by rules of confidentiality and will not divulge information obtained to any third parties or keep copies of any completed criminal record checks after a decision has been made. An applicant for a DBS disclosure will be sent a DBS Certificate to their home address. If there is any content disclosed, they will be required to present the original Certificate to the Licensing Team within 14 days. The DBS Certificate will be used to process the application and then returned to the driver after a decision has been made.
- 3.11. Because of the very strict need for confidentiality for an enhanced check this information cannot be shared with any other department within the Council. If an applicant will be undertaking any School Contract work, they will have to complete checks with that department, this is because the

¹⁵ [Taxi web page address](#)

coding under which the DBS check is undertaken is different for a general taxi licence and one for working with children or adults.

- 3.12. Applicants who have been resident in another country for more than three consecutive months will be required to provide a certificate of good conduct from each country within which they have resided.
- 3.13. New DBS disclosures will be required every 6 months once a licence is granted, unless the licence holder subscribes to the DBS update service. If the update service is not subscribed to, Dorset Council will require a new check within 2 weeks either side of the 6-month anniversary of the granting of a licence. These checks will be undertaken by Dorset Council and will be subject to a fee.

Driver Knowledge and Suitability Test

- 3.14. A Knowledge and Suitability Test (KaST) will be used to consider the suitability of an applicant for a licence. The content will vary from time to time to reflect any emerging issues. The test will consist of; -
 - a discussion about why the applicant wishes to become a driver and how and where they will be working,
 - a formal question and answer element testing that they have a good understanding of the law covering both types of licence, the Highway Code, the conditions that will be attached to licences, and anything else contained within this policy including the contents of the appendices,
 - a geographical element to ensure that they have a good knowledge of the area that they will be working in,
 - an English language element to ensure that the driver can communicate with passengers, and,
 - a numerical element to ensure that a driver can give the correct change in cash transactions.
- 3.15. If a person has previously completed a knowledge test and subsequently surrenders the licence and they decide to apply again, a new test will not be required if they re-apply for a licence within 12 months. If more than 12 months has elapsed since the licence was surrendered, or the licence was refused or revoked a new test will have to be undertaken and passed if a new licence is applied for.

Child Safeguarding Awareness Training

- 3.16. All new applicants for a driver licence will have to have completed a training course as specified by the Council on spotting and reporting signs relating to **Child Safeguarding Awareness**.
- 3.17. The training programme will cover the key areas of responsibility for licenced drivers with the overall aim of equipping them with the skills and knowledge to spot the signs of **safeguarding** and know what to do if they come across anything that may give rise to concerns. The exact nature of the training may change from time to time or if the current provider becomes unavailable.

Driving Proficiency

- 3.18. The Driving Standards Agency (DSA) provides a driving test specifically designed for hackney carriage and private hire drivers, if an applicant has passed this test or holds an advanced driving qualification, they will not be required to undertake any further test or assessment.

- 3.19. If an applicant does not hold an advanced driving qualification, they will be required to undertake, and pass, a driving assessment with an approved instructor at their own expense. A full list of approved instructors can be found on the web site¹⁶, and may be updated and changed from time to time.
- 3.20. If a person has previously completed a driving assessment and subsequently surrenders the licence and then they decide to apply again, a new assessment will not be required if they re-apply for a licence within 12 months. If more than 12 months has elapsed since the licence was surrendered, or the licence was refused or revoked a new assessment will have to be undertaken and passed if a new licence is applied for.

Medical Examination

- 3.21. Dorset Council requires all applicants to meet the Group 2 Standards of Medical Fitness (as applied by the DVLA to the licensing of lorry and bus drivers) as this is the appropriate standard for licensed hackney carriage and private hire drivers. This is a higher standard of fitness than is required because drivers will be driving for a living and this is the standard that is required for other public transport drivers.
- 3.22. The medical must be completed using the Council form and must be submitted at the initial application. A fresh medical will be required at every subsequent renewal. All fees for the medical must be met by the applicant. Any medical certificate submitted must be less than one month old.
- 3.23. The medical must be either at the applicant's normal medical practice or by another doctor if, and only if they have access to the applicants full medical record, a summary of that record provided by the applicants doctor or access to an 'App' which holds the medical record. If the medical is carried out by another doctor, we will require applicants to sign a declaration to say they have disclosed all relevant information relating to their health, and the Doctor or health professional completing the form to declare they have had access to the relevant health records.
- 3.24. Licence holders must advise Dorset Council, in writing and within 48 hours, of any deterioration in their health that may affect their driving capabilities.

Cost of a licence

- 3.25. The fee for a licence will be made up of two parts, the application fee which covers the Council's costs in considering the application. This fee is payable in all circumstances and must be made at the time of applying. If a licence is granted there will be an additional licence fee which covers the costs of compliance. Applicants may pay both fees at the time of application and if they are unsuccessful the licence fee element will be refunded, or, they may just choose to pay the application fee initially until a decision has been made regarding the licence, however the licence will not be issued until the remainder of the required fee is received.
- 3.26. Payments should be made by card either online or over the phone. Cheques may be accepted but this may cause delays in issuing licences to allow the funds to clear.
- 3.27. All licences issued will be for a "Combined Driver Licence" that will incorporate licences to drive both types of vehicles. This is because the tests for both type of licence are the same and as licences are issued for three years it allows a licence holder who has been considered as safe and suitable to drive both types of vehicle they wish to during the life of the licence. Dorset Council may grant licences for a lesser period if necessary.

¹⁶ [List of Approved driving instructors](#)

Procedure for applying for a licence.

- 3.28. Applicants for licences will need to complete all the relevant forms, tests, assessments and training before a decision will be taken as to whether they are 'Fit and Proper persons' to hold a licence.

Decisions on Applications

- 3.29. Once the application has been made and all the additional checks and information have been received and if there is no adverse information that is revealed on any of the checks the application will be decided by Licensing Officers under delegated authority.
- 3.30. In any circumstance when information is revealed on checks, or assessments are failed the Council will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only as far as they are relevant to an application for a licence. If there is content on a DBS or medical form, or when a test has been failed the application will be referred to the Licensing Team Leader or Service Manager in the first instance.
- 3.31. An applicant with a single historical spent conviction or a single motoring offence will be considered by the Licensing Team Leader or the Service Manager with the discretion to refer to a Sub-Committee if they are not certain whether the revealed conviction poses a threat to the safety of the travelling public.
- 3.32. Any application where more than one relevant offence is revealed or where more than one current motoring conviction exists will be referred to a Sub-Committee for a decision.
- 3.33. Where there is any doubt as to the medical fitness of the applicant or licensed driver, the Council may request more information from the applicant's doctor or may require the applicant or licensed driver to undergo and pay for a further medical examination by a medical professional appointed by the Council.
- 3.34. If there are still concerns about the fitness of any applicant or licensed driver following the first medical or a further medical examination the Licensing Sub-Committee will review the medical evidence and make any final decision considering the medical evidence available.
- 3.35. Licences will normally be granted subject to the model set of conditions; however, these may be supplemented on a case-by-case basis by a Sub-Committee.

Length of Licence

- 3.36. Drivers' licences will be issued for three years unless an applicant specifically requests a one-year licence. Driver's licences will not be issued for shorter periods or for a probationary period.

Refusals

- 3.37. Any refusal to issue a licence will be recorded on the Local Government Association National Register (NR3)¹⁷.

¹⁷ [National Register of Taxi and Private Hire Licence Revocations and Refusals \(NR3\) | Local Government Association](#)

Licensed Drivers

- 3.38. Dorset Council expect that drivers will continue to be 'Fit and Proper Persons' throughout the time that they are licenced. Licenced drivers are expected to
- Inform us within 48 hours of any criminal charges, convictions, arrests, or cautions
 - Inform us within 48 hours of any motoring convictions (points, fines or bans)
 - Inform us within 48 hours of any significant changes to their health
 - Comply with the conditions of their licence,
 - Always have their ID badges clearly visible whilst they are working,
 - Comply with the Driver's Code of Practice at appendix B covering conduct, dress and cleanliness.
- 3.39. If a licensed driver fails to inform the Licensing Team within 48 hours of any of the above, that failure will be taken into consideration by officers or Sub-Committees when they are required to make decisions about retaining or renewing their licence(s).

DBS check every 6 months or update service

- 3.40. The Statutory Guidance states that DBS checks on drivers should be undertaken every six months so if an applicant or licence holder has not signed up to the DBS update service and fails to complete a DBS re-check after 6 monthly, then unless there are exceptional circumstance their licence will be suspended on the 7-month date and they will be unable to drive until the check is completed and the certificate returned.

Conditions of Licence

- 3.41. Drivers' licences will be issued with the model conditions attached, these can be found in Appendix D.
- 3.42. Any breaches of the conditions of a licence can be dealt with by a verbal warning, a written warning or being reported to a Sub-Committee. Usually, a stepped approach would be taken. The action that is deemed by officers to be appropriate will take into account the severity of the breach and any history of previous breaches by the licence holder. If the matter is referred to the Sub-Committee, this will take the form of a hearing when the licence holder will be offered the opportunity to address the Sub-Committee before any decision is made.

Drivers Badges

- 3.43. Once granted, a badge will be issued which shall remain the property of Dorset Council and must be surrendered if the licences are suspended or revoked by the Council. The badge shall be always displayed on the driver's person when they are acting as a licensed driver. The display may be around the driver's neck, attached to clothing by a clip, displayed on the dashboard in a holder or worn on the arm of the driver.

Notification of Convictions/Charges/Arrests

- 3.44. Any convictions that are obtained whilst a driver holds a licence will be treated in line with the criminal conviction policy for new drivers. If the taxi team have not been informed of any arrest or

charge relating to the conviction this will be considered when considering the offence and may lead to a stronger sanction.

- 3.45. Drivers who are convicted of any criminal or motoring offence or issued with a police caution during the period of their licence must disclose the conviction and the penalty imposed, in writing to the Licensing Team within 48 hours of receiving the caution or conviction. This also applies if drivers are arrested and released.
- 3.46. Each case will be dealt with on its individual merits and in line with the IOL Safe and Suitable which Dorset Council has adopted as its Criminal Convictions Policy and will normally result in an appearance before a Sub-Committee to decide whether the driver remains a fit and proper person to hold a licence.
- 3.47. Any revocations will be entered on LGA NR3 Register

Notification of Changes to Health

- 3.48. If a licensed driver has any significant changes to their health relating to any of the health conditions that are contained within the current Group 2 Standards contained in the DVLA "Fitness to Drive"¹⁸ they must inform the Licensing Team within 48 hours. The Council will consider any information in line with the medical criteria for licensing group 2 drivers that is current at the time and if that means that the driver is no longer fit to the Group 2 standard their licence will be suspended until they can meet the standard, as evidenced by information from their doctor or specialist, or have a new medical undertaken by a doctor with full knowledge of the medical history.
- 3.49. Failure to advise the Licensing Team of any medical change may be viewed as evidence of dishonesty and be referred to a Licensing Sub-Committee.

Driver Code of Practice

- 3.50. Anything that serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. To support this Dorset Council has a Driver Code of Practice, found at Appendix B, this should be read in conjunction with the other statutory and policy requirements set out in this document.
- 3.51. The code sets out the minimum standards Dorset Council considers appropriate in the drivers it licences and includes appearance, behaviour and hygiene.
- 3.52. Any breaches of this code will be treated on its merits and failure to observe the code may lead to a verbal warning, a written warning or a hearing before a Licensing Sub-Committee where consideration will always be given to any history of complaints when the decision as to the course of action that is appropriate in the circumstances.

Renewal of Licences

- 3.53. Although every effort will be made to remind licence holders in the month preceding their expiry, when their licences are due to be renewed, it remains the responsibility of the licence holder to ensure that applications to renew are made at least five working days before the expiry date. Application forms, appropriate fees, and supporting documentation, must be submitted at the time

¹⁸ [Fitness to drive](#)

of application. Applicants for renewals will need to ensure appointments for medicals are made well before the expiry date to ensure they are completed in the month before the expiry date.

3.54. At every renewal the Council will need to consider whether a driver remains a fit and proper person. For that reason, at every renewal application an applicant will have to undertake: -

- a fresh DBS check unless they have previously signed up to the DBS update service,
- a new medical,
- a check of DVLA licence for validity and points and a check of the history of complaints or any warnings that have been issued will be made.
- Complete a [tax check](#)

3.55. It may be that drivers who were previously considered to be fit and proper under previous policies will need to have their applications scrutinised under the new policy. In these cases, consideration will be given to the length of time they have held a licence with the Council.

3.56. Any refusals to renew a licence will be entered on the LGA NR3 Register.

Section 4 - Vehicles

Introduction

- 4.1. Under section 47(2) of the Local Government (Miscellaneous Provisions) Act 1972 a council may require any hackney carriage licensed by them under the Town Police Clauses Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage. Vehicle licences will be issued for one year and may be transferred between proprietors on the production of an updated V5 Registration document. Licences are specific to one vehicle and may not lawfully be transferred to a different vehicle.

Type of Vehicle

- 4.2. Dorset Council do not make any stipulation regarding the design and size, or appearance of the vehicles they will licence as either hackney carriages or private hire vehicles. This is due to the large and varied geographical nature of the Council's area.
- 4.3. Dorset Council has signed a climate emergency motion and will welcome applications for any vehicle that is either hybrid or fully electrically powered. In the Weymouth area where there is a restriction on the number of vehicles licensed as hackney carriages, licences for vehicles that are fully electrically powered will not be refused on the grounds that the limit would be exceeded.
- 4.4. Comfort in the vehicles is important and we will therefore licence a vehicle for the number of seats that an average adult can comfortably fit into. Each seat must meet the following criteria; -
 - the distance from the top of the seat cushions to the roof at its lowest point must not be less than 800 millimeters (31.5 inches)
 - each seat must allow at least 400 millimeters (15.8 inches) in width per person.
 - the distance between the rear of the front seats and the squab of the back seat must not be less than 750 millimeters (29.5 inches) to allow enough leg room
- 4.5. The Council will plate the vehicle for the number of adults that can comfortably sit in it and this may be any number between 1 passenger and 8 passengers.
- 4.6. Any vehicle that has previously been licensed for seats that do not meet the seat measurements will have the number of passengers they are licensed for reduced when they are renewed.

Applications for Vehicle Licences

- 4.7. The suitability and safety of a vehicle will be checked to the same standard whether it is the first time it is licensed or whether it has been licensed before. Applicants will have to complete an application form or complete an online application, submit the current MOT, Insurance Certificate and V5 document and pay the relevant fee. No decision will be made until a mechanical Inspection form has been completed by ~~Dorset Council mechanics~~ an approved inspector and all the documentation has been supplied.
- 4.8. Any changes or renewals to these documents must be sent by post or email to Dorset Council. Officers may also require sight of such documents during the life of the licence to ensure continuous compliance.

Identification of Licensed Vehicles

- 4.9. The Council does require that there are specific distinguishing marks to ensure that a vehicle can be clearly identified by any person approaching it or using it.
- 4.10. Hackney carriages are required to have; -
- a roof sign that must be capable of being lit,
 - a rear plate displayed on the outside of the vehicle and
 - an internal plate, either on the windscreen in a suitable holder or fixed to the dashboard that is clearly visible from the nearside front of the vehicle
- 4.11. Private hire vehicles be required to have; -
- a door sticker with the words “pre-booked only”
 - a rear plate affixed to the outside of the vehicle
 - an internal plate either on the windscreen in a suitable holder or fixed to the dashboard that is clearly visible from the nearside front of the vehicle
- 4.12. Private hire vehicles will not be permitted to have a roof sign of any description as this could lead a person to believe they were a hackney carriage.

Mechanical Safety

- 4.13. All vehicles will have to be mechanically sound, safe and comfortable. Before a licence is considered it will have to have a valid MOT if it is to be a hackney carriage and is more than one year old or more than three years old if it is to be a private hire vehicle.
- 4.14. Because licensed vehicles will normally do higher mileages than a domestic use vehicle it will have to be inspected and certified by an approved garage within 2 weeks of an application being submitted and before it is licensed. It will thereafter be inspected by an approved garage at the midway point of the licence, and prior to any renewal of the licence being granted.
- 4.15. All inspections will be carried out to the FTA National Standards¹⁹ or any subsequent National Standards.

Non-driver Proprietors

- 4.16. Most vehicles will be owned and driven by licensed hackney or private hire drivers, however there is nothing in law to prevent an unlicensed person from applying to hold a vehicle licence. In such circumstances the Council will require the applicant to produce a suitable DBS check to ensure that they are a suitable person to hold such a licence and that public safety is not compromised.

Renewals of Licenses for Vehicles

- 4.17. All vehicle licences will be issued for one year and the Council will treat a renewal of a vehicle licence in the same way as a new licence and will require the same proof of mechanical soundness, insurance and ownership before a licence will be renewed.

¹⁹ [GetFile.aspx \(logistics.org.uk\)](#)

- 4.18. Renewal applications must be made before the current licence expires, any late renewals will be treated as new applications and the vehicle must not be driven whilst the application is being processed and until the new plate and/or paper licence is issued.

Transfers of Licences

- 4.19. Transfers of ownership of vehicles must be notified to the Council within 48 hours. There can be no transfer of licences between vehicles as there is no legislative provision for this.

Condition of Vehicles

- 4.20. The Council expects all vehicles to be kept clean in good condition throughout their life as a licensed vehicle. It is expected that all vehicles will remain compliant and if there is any fault with the vehicle that would be likely to cause it to fail an inspection it will not be used.
- 4.21. Licensing Officers may carry out periodic ad-hoc inspections of vehicles and the Council has adopted a Vehicle Code of Practice, which can be found at Appendix C to assist both proprietors of vehicles and the Officers to make decisions about vehicle standards at this type of inspection.

Accidental Damage

- 4.22. From time to time any vehicle can be involved in an accident. Proprietors of vehicles that have been in accidents must inform the Council within 48 hours of any accident that results in damage that needs to be repaired or is significant.
- 4.23. If the repair is for a prolonged period and when a replacement vehicle will be required, the Council may issue a licence for a temporary vehicle. Replacement vehicles need to be of the same standard as any other vehicle and will therefore be subject to the same process as any new vehicle. However, as they will only be required for a brief time the licence will only be subject to the application fee and will only be valid for 1 month. Should the repair take longer than 1 month, but no more than 6 months, temporary licences will be extended free of charge.

Plate Exemptions

- 4.24. Plate exemptions will only be granted by exception and only if there is a need to remove a plate for matters relating to the safety of the occupant. Exemptions will only be granted if there has been evidence produced that satisfies the Council that there is a real and credible threat to safety of the person(s) travelling.

CCTV

- 4.25. Dorset Council encourages any use of cameras that complies with the Data Protection Principles as laid out by the Information Commissioners Office (ICO)²⁰.
- 4.26. Proprietors should inform the Licensing Team when any cameras are fitted and where it is installed officers may ask to see the Data Protection Impact Assessment (DPIA) that should have been completed before the installation any CCTV and will expect to receive any data relating to any

²⁰ [Installing CCTV? Things you need to do first | ICO](#)

complaint. Any failure to supply footage that is requested may result in a verbal or written warning or the matter may be referred to a Sub-Committee.

Trailers

- 4.27. Trailers are permitted to be used with a licensed vehicle as long as they have been tested by the Council's mechanics and found to be suitable in line with the FTA National Standards²¹ or any subsequent National Standards issued by the DfT.

Section 5 - Operators

Introduction

- 5.1. As with any other licence the overriding concern is the safety of the travelling public. An Operator's Licence is required to allow a person to take bookings for private hire vehicles. All private hire vehicles must be linked to a licensed operator and owners of vehicles should inform the Licensing Team of any changes to the operator they are affiliated with.

Applications for Operators Licences

- 5.2. Often applicants for private hire operators licences already hold private hire or hackney carriage drivers licences and so have been subject to a number of tests to determine whether they are a fit and proper person, a currently licensed driver who applies to become an operator will not normally be subject to any further DBS checks. If the applicant does not hold a current private hire or hackney carriage licence with Dorset Council, they will be required to produce a basic disclosure certificate from the DBS which will have to be re-checked annually in line with the Statutory Guidance.
- 5.3. Licences will be granted for a period of five years, however they may be suspended if the annual DBS check is not supplied. Applicants may only require a licence for a year and the Council will consider applications for shorter periods on request.
- 5.4. All applicants for operator licences, whether new or renewal, will be asked to produce a copy of their record keeping facilities prior to a licence being issued.

Record Keeping

- 5.5. By law (section 56 LGMP76) operators must keep records and in line with the Statutory Guidance Dorset Council requires that records are kept of:-
- Name of the passenger
 - Time of the request
 - Pick up point
 - Destination
 - Name of the driver
 - Licence number of driver

²¹ [GetFile.aspx\(logistics.org.uk\)](http://GetFile.aspx(logistics.org.uk))

- Vehicle registration
- Name of person who took the booking
- Name of dispatcher of the vehicle

5.6. New applicants will be expected to demonstrate their record keeping facilities to the Council before a licence is granted and Licensing Officers will routinely inspect the record keeping of all operators. All records will be kept for a minimum of six months and must be produced within 48 hours of any request for production by an authorised officer.

Booking and Dispatch Staff

5.7. Operators must keep a register of all their booking staff and all booking staff will be required to have an annual basic disclosure check (DBS).

Use of a Passenger Carrying Vehicle driver or Vehicle to fulfil a booking

5.8. The Statutory Guidance clearly states that private hire bookings should not be undertaken by PCV vehicles and drivers as they are not subject to the same level of checks as private hire drivers, any operator found to be using a vehicle that is not a licensed private hire vehicle or a hackney carriage may receive a verbal or written warning or may be referred to a Sub-Committee for consideration of their continuing suitability to hold a licence.

Renewal of Operators Licences

5.9. Only a current licence can be renewed so it is imperative that any application to renew a licence is received before the existing licence expires. Any applications received after the expiry date of the previous licence will be treated as a new application and the operator will have to cease operating until such time as the new licence is granted. Renewal notices may be sent out as a courtesy, but it is the responsibility of the licence holder to ensure they renew on time.

Complaints against drivers

5.10. Operators are expected to keep a written or computerised record of all complaints in a format that can be produced and shown to a visiting authorised officer on demand, or in a format that can be easily read if the request is by letter or email. We expect operators to report any serious complaints, any complaints that relate to inappropriate behaviour, or any complaints that lead to disciplinary measures. Complaints falling into these categories must be reported to the Licensing Team within 48 hours. All dismissals or any driver leaving their operation should also be reported within 48 hours.

Section 6 - Appendices

Appendix A - Equality Charter

Introduction

This charter has been drafted as a result of stakeholder engagement received when the new Taxi Policy was being developed. We were told that there were still instances, sadly too frequently, of people being refused travel, for example if they had guide dogs or walking aides, this is clearly unacceptable and feedback was that it made those affected feel like “second class citizens”.

This charter will set out the behaviours relating to equality issues that people using taxis in Dorset can expect to see. Any instances where this behaviour is not exhibited by a hackney carriage or private hire driver, or operator will be taken very seriously, and Dorset Council may take any driver falling short of this charter to Committee to consider whether they are a “fit and proper” person to continue to hold a licence.

Equality

Equality is not about treating everyone the same – it is about giving everyone the same opportunity to use the taxi service. This means that some people will need more assistance in booking a vehicle, getting into a vehicle and alighting from a vehicle.

Dorset Council will take a three-staged approach to tackling inequality issues in taxis: -

1. Creating a Charter to set out expectations.
2. Working with providers to build a suite of training modules.
3. Developing a small accessibility toolkit to assist people travel comfortably.

This Charter will fulfil the first stage.

Expectations

~~Simply that anyone who needs some extra help or attention will receive it.~~

Every customer, their friends and family, carers, personal assistants and travel companions, should be treated with courtesy and recognition of the diversity of conditions and impairments experienced and the impacts of these. This should be done from the perspective of the Social Model of Disability, which recognises that people are disabled by their environments, in terms of the physical, social and attitudinal barriers which are created by a society which fails to plan for and adapt to the diversity of experiences of individuals and therefore, the duty that services have to remove, as far as possible, those barriers.

Everyone should be treated with recognition that they are unique, without assumptions and a person-centered approach taken. Everyone involved in the customers’ journey, from the council licensing and inspecting operators to booking staff and drivers, should be aware of and sensitive to individuals and their supporters’ needs, without depriving customers of their independence. Time and help should be given freely and offered when appropriate, no-one should be disadvantaged nor left to struggle and aids and adaptations (including assistance or therapy dogs), accommodated willingly and without question.

Customers and their supporters are not defined by their experiences of disability and should not face intrusive or inappropriate questions or comments.

All information, signage and language issues by the Council and taxi operators at all stages must be fully inclusive and appreciate the diversity of customers' experiences, across all nine protected characteristics and the additional characteristics adopted by Dorset Council. This includes disability, gender identity and sexual and romantic identities and it is expected that everyone will feel taxi operators and transport are a safe space for them. Language should be gender neutral, not make assumptions, welcoming and inclusive of people and provide support whenever needed to maintain the safety of people both within and outside the taxi (e.g. as a place of solace and support if at risk of or under threat of physical or verbal harm).

All taxi operators and Dorset Council as the licensing authority, should offer and promote a transparent and accessible feedback and complaints mechanism. The standards of behaviour and treatment customers should rightly expect should be advertised via the booking system they use, whether this by telephone, app, website etc. and in the vehicles themselves. This information should be available in a variety of different formats, to be fully inclusive of people who may have communication barriers. Dorset Council should seek to offer a variety of mechanisms which take account of people's preferences and access issues, including those who are not digitally connected and those who need facilitated access. Feedback should be proactively sought via the same mechanism as is used to book a journey and the council, as the licensing authority, should seek to engage with a range of different community organisations representing diverse experiences, such as Dorset Disability Equality Forum, Help and Kindness, LGBT+ Voices Dorset Forum, Dorset Race Equality Council, Citizens Advice Central Dorset and LGBT+ Dorset Equality Network to name but a few.

Guide and Assistance Dogs

~~Drivers must take all guide dogs unless they have a medical exemption certificate. There are currently zero exemptions issued in Dorset so no one should be refused because they need their dog to accompany them. This is the same for any "assistance dog". All customers should be able to decide how and where their dog travels with them and which location within the vehicle is better for them.~~

Drivers must take all assistance and therapy dogs unless they have a medical exemption certificate. If a driver has a medical exemption certificate, this should be advised at the point of booking and an alternative be explored if necessary. All customers should be able to decide how and where their dog travels with them.

~~Curtesy~~

~~Every customer should be treated with curtesy and according to their needs, so service providers will be expected to ask them what they need and;—~~

- ~~a. If passengers take longer to get into or out of a taxi, they must be given this time.~~
- ~~b. If passengers are struggling with steps or bags help should be offered.~~
- ~~c. Walkers and sticks should be accommodated and placed where the customer needs them.~~

Booking

When booking a journey, whether by phone, online or app, a checklist/series of questions should be asked to understand and be able to support the passenger's needs as well as possible. It is important this is not left until the driver picks up, so they have all the correct information, are able to support as needed and the vehicle is suitable for the passenger to proceed with their journey without delay/problem.

The driver must pick up this information and reliably use it. Collection of this information needs to be routinised by call handlers and made easily accessible whether booking online or via an app. The "spiel" must not be rushed through but pride incited in call handlers and drivers so they feel upskilled and

positive about giving the service. All operators and drivers should be aware of and sensitive to the diversity of conditions people experience and able to respond appropriate to these.

It may not always be appropriate for the passenger to be interacted with directly - they may be uncomfortable or unable to communicate independently. The option to record an alternative contact should be facilitated via all booking methods and utilised if information is needed to be communicated, such as if the taxi is going to be late. This may apply for example in cases where the passenger has dementia or learning disabilities.

Return journeys should be bookable at the point of booking or taking the outward journey, to give reassurance that the person can get back at their chosen time and complete their journey.

Taxis should run punctually and should reasonably be expected to arrive within five minutes of their booked time, especially if it has been pre-ordered and if it is operating under contract from the council. Unreliability can cause additional problems for passengers with additional needs and carers or supporters who have to deal with high levels of anxiety, distress and/or uncertainty. Contact via the booking method should be routinised if there are any delays or anticipated issues with providing the booked service.

Different payment methods, including cash, should be available as standard, to protect disabled people from potential vulnerabilities associated with different payment types, e.g. sharing card details. The cost of the journey should be made clear at time of booking so clients can have the exact amount of cash ready, if that is the desired payment method.

Booking methods, whether by phone, online or app, must effectively convey all requirements and drivers meet the requirements where agreed.

Boarding

All passengers should reasonably expect to enter a freshly cleaned and safe vehicle, including having interior and exterior door handles and frames wiped down between bookings.

Drivers must not refuse, as often happens, to take people with particular conditions, which results in high levels of distress and the person being stranded. All drivers should willingly and freely assist, for example by opening car doors and dropping passengers off where it is safe, not simply where it is convenient for the driver.

Journey

Drivers should be confident not only of the quickest routes but of the context of a route, to inspire passengers and reduce their anxiety. Space should be respected, as well as preferences to not communicate or ways of communicating. Communication should be compassionate and genuine, without being patronising or condescending.

Getting out the taxi

People may need physical and emotional support getting in and out of taxis and making sure they get to where they need to go. Drop offs should be in a suitable place and the passenger may need taking into the building and/or be handed over to someone else. Drivers should make every effort to drop the client off as near to the venue entrance as possible & they should not be dropped off where a road needs to be crossed. Drivers should be sensitive to people's speed of action and movement and not show any impatience. If the passenger is visually impaired, drivers should give guidance to them as to exactly where they are positioned so that they can be aware of their surroundings.

Appendix B – Driver’s Code of Practice

The Council recognises the valuable service provided by licensed drivers and operators. The following Code of Conduct will be used as a reference when any complaints are received that relate to the conduct of a licensed driver or operator. A driver or operator will always be given an opportunity to respond to any complaint before officers make a decision as to whether a warning is warranted. Serious substantiated reports may result in a hearing before a Licensing Sub-Committee. The Sub-Committee will consider the severity of the misconduct, this code, any previous appearances before them and any other information put to them.

Customer Care

Passengers are entitled to expect a vehicle that is odour free and clean inside and out. This includes the boot or any luggage space.

A vehicle should be kept free of any rubbish.

The driver should always drive in an appropriate manner for their passengers, taking special care if they are vulnerable, old, young, nervous or disabled.

In the event of a pre-booked vehicle being unable to fulfil a booking the driver or operator will be expected to let the customer know as soon as possible to allow for alternative arrangements to be made.

Treating people with courtesy and having a sympathetic manner is very important - especially when dealing with complaints from customers. Drivers and operators are always expected to remain polite and well-mannered towards customers.

Nuisance

Drivers should do their best not to cause a nuisance to their passengers, other drivers or other members of the public. This can include, but is not limited to, sounding a horn to attract a passengers attention, this may annoy others especially if it is early in the morning or repeated every day.

Radios should only be played with the consent of the hirer and should not cause a nuisance to anyone either inside or outside of the vehicle.

Leaving car engines running can cause fumes and noise nuisance, particularly in the middle of a town at quiet times, or if several cars are sitting at the same place at the same time.

If parking a licensed vehicle when it is not in use due consideration should be given to the potential impact on neighbours. Care should be given not to annoy neighbours by blocking other cars in or obstructing the road or driveways.

Inappropriate behaviour

The following behaviours are unacceptable;

- Rude gestures or aggressive or threatening behaviour to other drivers or members of the public,
- Road rage,
- Rude or offensive notes on windows of premises or vehicles,

- Swearing at other drivers or members of the public.

Inappropriate behaviour towards other licensed drivers

It is important that drivers have respect for each other and treat other members of their profession fairly. Complaints of cutting up or blocking other licensed drivers on the rank in order to secure a better position at the rank will be deemed to be inappropriate as will appropriating other drivers pre-booked fares.

Disregarding requests from an Officer of the Council

Disregarding repeated reminders for things like incorrect plate display or producing an insurance certificate could lead to the licence holder being required to attend the Licensing Sub-Committee.

Mobile Phones

Whilst Officers are unable to prosecute drivers for using handheld mobile phones or other devices Dorset Council consider this unacceptable behaviour as it may put the safety of the travelling public at risk. Any sightings by officers or substantiated complaints will be put before a Sub-Committee and or reported to the Police.

Money

If a customer asks for a receipt, drivers are expected to be able to comply with their request.

While the law is quite clear on these points a driver or operator should make sure their passenger knows whether the fare is an agreed fare or will be run on the meter before the journey starts and preferably at the time of booking. Drivers should give a specific figure and not give an estimate as this can lead to disputes and complaints.

Dress

It is not for the Council to tell drivers what to wear, however as Dorset Council licensed drivers a certain level of appearance and hygiene is expected. The wearing of offensive t-shirts, revealing clothing or dirty clothes may offend passengers and should be avoided.

The same goes for tattoos, if there is any possibility that a tattoo could cause offence or upset to any customer it should be covered up.

Should complaints be received a common-sense approach will be taken by Officers and the Sub-Committee as to whether a reasonable person is likely to be offended.

Personal Hygiene

Drivers should maintain high standards of personal hygiene

Appendix C - Vehicle Code of Practice

The vehicle should be maintained to a high standard, with vehicles cleaned and valeted on a frequent basis, especially during times of bad weather.

Exteriors

Vehicles should be clean and free of damage. Cleanliness will be judged on the amount of dried mud on the vehicle, any finger marks on the boot opening, whether the plate and registration number are clearly visible.

The door handles must be fully operational and clean to the touch.

Vehicles should be free from damage, and repairs should be professional and properly finished. This will be judged by the number of scratches and dents that are clearly visible to any passenger about to enter the vehicle.

All lights should be functioning.

All tyres must comply with the legal limits.

Interiors

Vehicle seats should be clean with no stains. Floor and ceiling coverings must be clean and have no stains.

All seat belts should be working and not damaged.

All door and window controls must be operational.

A good proportion of the boot or luggage space should be clean and available for passenger mobility aids, luggage or any other bags.

Child Seats - The law allows a child in a taxi to be carried ~~on a lap~~ without the need for a child seat or belt in the back seat. Over 3's should be in the back with a seat belt. [Child car seats: the law: When a child can travel without a car seat - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Appendix D - Driver Licence Conditions

These conditions of licence are made pursuant to Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976.

Driver Badge

The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.

The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.

The badge must be returned to the Council immediately should the licence be suspended, revoked or becomes invalid for any reason (e.g. on expiry).

Conduct of Driver

The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

The driver must afford all reasonable assistance with passenger luggage as may be required.

At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.

The driver must not smoke tobacco or like substance in the vehicle at any time as detailed by the Health Act 2006. Drivers should also refrain from vaping or other similar activities in licensed vehicles.

The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.

Standard of Vehicle

The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.

The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

The driver of a private hire vehicle must be in attendance at an appointed time and place punctually unless delayed or prevented by sufficient cause.

Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / Hackney Carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'.

The driver must ensure that in cases where the vehicle has been fitted with a CCTV system, it is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes). Video recording must be active at all times. The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

Fares and Farecards

Drivers of hackney carriages must ensure that the fare card is displayed in a clearly accessible place.

Drivers of private hire vehicles must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey.

When a fare scale is used in a private hire vehicle, the driver must ensure that the fare scale is displayed and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

The driver must not, if driving a licensed vehicle fitted with a taximeter, or other approved device, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed fare for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

The driver must, if requested by the hirer, provide a receipt for the fare paid, such receipt to bear the name and ~~address of the proprietor of the vehicle together with~~ the badge number of the driver.

Passengers

The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence.

The driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

The driver must provide all reasonable assistance to passengers and especially those with a disability.

All drivers must comply with the requirements of The Equality Act 2010 duty to assist passengers in Wheelchairs Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated¹ wheelchair accessible Hackney Carriages and Private Hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

Duty to carry guide dogs and assistance dogs

The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle. Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle. Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where they may have concerns about excess dog hair being left in the vehicle.

Found Property

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property must follow the guidelines contained within Dorset Police's Found Property Policy, ~~Must at the earliest opportunity deliver the item to the Customer Services centres for Dorset Council~~, unless an alternative arrangement has been made with the owner of the property. ~~Dorset Police's policy can be found here:~~ <https://www.dorset.police.uk/do-it-online/report-lost-and-found-property/found-property/>

Medical Condition(s)

The licence holder must notify the Council in writing within 48 hours of any change in medical condition.

Convictions, Cautions and Arrests

The licence holder must notify the Council in writing within 48 hours², providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on them during the period of the licence.

Disclosure and Barring Service Online Update Service

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

Change of Operator

The licence holder must notify the Council in writing of any change of operator through whom they work.

Change of Address and Email Address

The licence holder must notify the Council in writing/email within 2 working days of any change of their home address or email address taking place during the period of the licence, whether permanent or temporary.

Customer and Other Personal Information

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

Duty to Cooperate on Regulatory Matters

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

Appearance of Driver

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 48 hours (by telephone or email).

Appendix E - Vehicle Licence Conditions

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847.

The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder.

Internal and External Licence Plates to be Displayed

The External Plate relating to that Licensed Vehicle shall be fixed to and displayed on the outside body of the Licensed Vehicle. The External Plate must be unobstructed and its contents should be legible from a distance of at least five (5) metres.

The Internal Plate relating to that Licensed Vehicle shall be fixed to and displayed on the left hand internal side of the windscreen of the Licensed Hackney Vehicle in such a position and manner so that there is nothing that covers its surface that would impair its legibility. The Internal Plate must be clearly visible to a person sitting in any rear seat of the Licensed Vehicle and seeking to view the Internal Plate looking either between the front seats or over the top of the passenger side front seat.

Luggage

A roof rack may only be used when excess luggage is to be carried and any luggage so carried shall be safely secured and shall not exceed such weight or size that as can safely be carried on the vehicle.

Before any trailer is used with a licensed vehicle it will have been inspected at one of the Councils approved garages and an inspection form complying with Appendix A of the FTA will have been sent to the Council.

Roof Signs

Licensed Hackney Carriages shall always be fitted with a roof sign indicating that it is a taxi. The roof sign should be on and/or above the roof of the Licensed Hackney Vehicle and will display the word "TAXI" to the front of the vehicle. In addition to the word "TAXI" the front of a Taxi Sign may only display a company name.

At all times that the Licensed Hackney Carriage is available for hire the roof sign will always be illuminated with an internal light source so that it is clearly visible to a person standing no less than five (5) metres from the vehicle.

Private Hire Vehicles must not display any type of roof sign.

Other Signs and Notices, including Advertisements

Any third-party advertisements must be restricted to areas of the vehicle that do not contain important information such as the name of the operator or any identifying licence plates, signs or numbers.

Before any third-party advertisement is displayed on Licensed pictures or diagrams of the proposed advertisements and where they will be placed on the vehicle must be submitted to the Council

Any advertisement must not be placed in a position where it would interfere with the identification of the vehicle or obscure window screens or back windows enough to cause a potential hazard or block the view of passengers.

Any advertisement must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency so all advertisements must be legal, decent, honest, and truthful. **The code can be found here:** <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

Additional Equipment

Any Lifting or Pulling Equipment fitted to a licensed vehicle will not be used unless it has been examined in accordance with all legislative requirements relating to that Lifting or Pulling Equipment and is without any defect.

Tyres

A spare wheel tyre appropriate for the vehicle must be carried when the vehicle is being used for hire and reward.

All tyres fitted to the vehicle or carried as a spare must comply with the Motor Vehicles (Construction and Use) Regulations 1986 and Motor Vehicle (Tests) Regulations 1981.

Re-cut and Re-moulded Tyres Re-cut tyres are not acceptable for M1 passenger vehicles and re-mould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and
- Speed capability Space Saver Tyres.

The carrying and use of Space saver tyres and tyre sealant kits will only be approved with the support of a method statement. The method statement will detail the drivers and vehicle owners responsibility with regard to the maximum permitted speed and restrictions of use and highlight that they are **ONLY** a temporary measure to complete the journey in which the puncture occurred.

An approved repair to BS AU159 or a replacement tyre must be undertaken before any further fares are carried. Run flat tyres fitted to any vehicle by the manufacturer will not be replaced by any other type or make either individually or all of them. The use of these tyres must be supported by a method statement (such as the manufacturers handbook for the vehicle) specifying the capability and restrictions of use

following a puncture. In all cases the Tyre Pressure Monitoring System (TPMS) must be working correctly and if required, be reset when a tyre(s) are renewed or replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

No smoking

The Health Act 2006 came in to force on 1 July 2007 and from that date it required all enclosed public and work places to be smoke free. This also includes vehicles used for public transport. The legislation covers all hackney carriages and private hire vehicles. Any commercial vehicle carrying members of the public will be required to be smoke free at all times (even when no passengers are being carried).

The legislation requires a manager to ensure all commercial vehicles used to transport members of the public are smoke free. A no smoking sign must be displayed in the vehicle. Electronic cigarettes must not be used/smoked in hackney and private hire vehicles at any time.

Valid Insurance

A Licensed Hackney Vehicle shall at all times that it is being used as a Hackney Carriage have as a minimum third-party insurance that complies with the requirements of Part VI of the Road Traffic Act 1988, or any other relevant legislation that imposes insurance requirements for motor vehicles.

Alterations

No alterations or modifications shall be made to a Licensed Hackney Vehicle without the prior written consent of the Council.

Inspections

Licensed vehicles will be inspected at an approved garage on the six-monthly anniversary of the date of the grant of the licence. Inspections can be arranged two weeks either side of this date.

Updating details

The licence holder must notify the Council in writing/email within 48 hours of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

The licence holder must notify the Council in writing/email within 48 hours of any change of his/her contact numbers and/or email address taking place during the period of the licence, whether permanent or temporary * The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

Reporting of accidents

The licence holder must report any accident or damage to the vehicle within 1 day of the incident and provide full details

Appendix F - Operator Licence Conditions

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847.

All operators must comply with the requirements of The Equality Act 2010.

Record Keeping

Operators will keep records in a suitable book, the pages of which are numbered consecutively, a computer record or other durable recording format of: -

- a) Booking Records
- b) Driver Records
- c) Vehicle Records
- d) Booking and dispatch staff Register
- e) Complaints Records

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Booking Records will include particulars of every booking of a private hire vehicle invited or accepted by him and must include: -

- a) The time and date of the booking
- b) The name of the hirer or passenger
- c) The time of the pick-up
- d) The point of pick-up
- e) The destination
- f) The licence number of the vehicle allocated for the booking
- g) The name of the driver allocated for the booking
- h) The name of any individual who took the bookings (where applicable)
- i) The name of any individual that dispatched the vehicle (where applicable)
- j) Details of any sub-contract.

When the Operator passes the hiring to another company the record shall include the name, address, and Council with which that Operator is licensed. The records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records.

The Driver Records will include a record of the following particulars of all licensed drivers:

- a) The full names of the driver
- b) The permanent address of the driver
- c) The driver's date of birth
- d) The driver's licence (badge) number
- e) The start and expiry dates of the driver's licence issued by the Council
- f) The dates the driver's engagement/employment was commenced and terminated.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Vehicle Records will contain details of all the vehicles operated and will include: -

- a) The registration number of the vehicle
- b) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- c) The make and model of the vehicle
- d) The name and address of the proprietor(s) of the vehicle
- e) The number of passengers permitted to be carried in the vehicle, as shown on the licence
- f) The start and expiry dates of the vehicle's licence issued by the Council
- g) The date on which the vehicle was added to the operator's fleet
- h) The date on which the vehicle was withdrawn from the operator's fleet.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Booking and Dispatch Staff Register will record details of all employee who take booking and dispatch vehicles. The Register will include the date that the operator had sight of a Basic DBS check, which must have been completed before any period of employment is started.

The Operator must have a written policy outlining how they will treat any disclosure of information that is revealed on a DBS Certificate.

The operator shall ensure all staff who take bookings and dispatch vehicles have been provided with suitable training in the awareness of and reporting of safeguarding concerns which includes human trafficking, county lines and child sexual exploitation. The operator will keep records for all staff who have received training.

The Complaints Records should contain:

- a) The date of the Complaint
- b) The name and contact details of the complainant
- c) The details of the journey
- d) The details of the complaint
- e) The action taken by the operator in response to the complaint.
- f) The operator shall notify the Council in writing, preferably email, within 48 hours, of any complaints that are either a safeguarding issue or are of a serious nature. Safeguarding issues would be anything that related to a child or a vulnerable adult. Operators should also report any drivers who receive multiple complaints.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -

- a) Ensure that when a private hire vehicle has been hired to attend at the appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) Keep clean, heated, ventilated, and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

- e) Ensure that all vehicles dispatched by them are always maintained in a safe and roadworthy condition.
- f) Publish a complaint handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council.

Updating Details

Change of Operator's Home Address The operator shall notify the Council in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

If an operator wishes to change the base from which they operate they will be required to submit a new application. (Note: all operators' business premises must be within the Dorset Council Boundary).

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on them (or, if the operator is a Company, of any its directors) during the period of the licence.

Public Liability Insurance

Operators shall always have a current valid policy of public liability insurance for any premises they are licensed to operate from if those premises are open to the public.

If the premises are open to the public the Certificate of Insurance must be displayed.

Appendix G – Criminal Conviction Policy

The Full Policy that has been adopted can be found online at [guidance-on-suitability](#)

Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC, Cornerstone Barristers

April 2018

Chapter 1 - Introduction

- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications¹. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

¹ Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*².

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

² [2007] 1 WLR 2067

Chapter 2 - Offenders and Offending - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.³ With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm⁴. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

³ DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

⁴ Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud⁵ noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place⁶.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future⁷. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%⁸. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences⁹.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity¹⁰. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population¹¹. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

⁵ Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

⁶ Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

⁷ Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

⁸ Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

⁹ Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

¹⁰ McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

¹¹ Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

Risk of re-offending:

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”¹².
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”¹³.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over¹⁴. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships¹⁵. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males¹⁶.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist¹⁷. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance¹⁸. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

¹² National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

¹³ Kurlychek, M.C., Brame, R. (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

¹⁴ Serin, R. C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

¹⁵ Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

¹⁶ Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

¹⁷ Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

¹⁸ Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3rd Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”¹⁹.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

¹⁹ Kurlychek, MC, Brame, R (2007). Scarlet Letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

Chapter 3 - 'Taxi' Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:

"The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory

criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person²⁰.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK²¹.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.²²
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*²³. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’²⁴
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

²⁰ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

²¹ Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

²² “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1st December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

²³ [2002] EWHC 1145 (Admin), [2003] RTR 199

²⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”²⁵

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments²⁶. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 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 declared²⁷) 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 maker²⁸.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks²⁹ and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

²⁵ Local Government (Miscellaneous Provisions) Act 1976 s57(1)

²⁶ See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

²⁷ “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

²⁸ See *Adamson v Waveney District Council* [1997] 2 All ER 898

²⁹ “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability³⁰.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account³¹. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

³⁰As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

³¹ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

Private Hire Operators

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority³². A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person³³.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”³⁴
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

³² See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

³³ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

³⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation³⁵. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

Vehicle Proprietors

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence³⁶ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.47 A suitable test would be:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

³⁵ See s57(1)(c) of the 1976 Act.

³⁶ S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"³⁷

³⁷ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Chapter 4 – Guidance on Determination

- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership³⁸) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

³⁸ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction³⁹. Fixed penalties and community resolutions will also be considered in the same way as a conviction⁴⁰.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

³⁹ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁴⁰ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 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.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

- 4.25 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.
- 4.26 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.

- 4.27 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 safe and suitable person.
- 4.28 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

- 4.29 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

- 4.30 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

- 4.31 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

- 4.32 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

- 4.33 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.
- 4.34 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

- 4.35 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

- 4.36 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.
- 4.37 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

- 4.38 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.

Motoring convictions

- 4.39 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 safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 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.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

- 4.42 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). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 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 normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

- 4.44 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.

Vehicle use offences

- 4.45 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

- 4.46 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.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 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.

4.49 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.

Vehicle proprietors

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.54 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.

Acknowledgements

In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

The Institute is delighted to have the Local Government Association, the National Association of Licensing and Enforcement Officers and Lawyers in Local Government contributing to and supporting this project with IoL.

The Institute is also grateful to others who have contributed to the work of the project group, including former probation officer Hannah Jones (now Housing Officer at Flintshire Council) who has assisted the group in providing the chapter on 'Offenders and Offending'.

This project has been further enhanced by invaluable contributions from the following individuals and organisations:

- Ellie Greenwood and Rebecca Johnson, Local Government Association
- Tim Briton, Lawyers in Local Government
- Ben Atrill
- Suzy Lamplugh Trust
- Councillor Richard Wright, North Kesteven District Council
- Professor of Criminology Fiona Measham, Durham University
- Councillor Philip Evans, Conwy County Borough Council
- Councillors Catriona Morris and Mick Legg, Milton Keynes Council
- Louise Scott Garner
- Jenna Parker, Institute of Licensing

Finally, grateful thanks go to all those who responded to the initial fact-finding survey and the subsequent consultation on the draft guidance.

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The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK. www.instituteoflicensing.org/



The Local Government Association (LGA) is the national voice of local government. www.local.gov.uk



Lawyers in Local Government (LLG). www.lawyersinlocalgovernment.org



National Association of Licensing and Enforcement Officers (NALEO).
www.naleo.org.uk

Equality Impact Assessment (EqIA)

Before completing this EqIA please ensure you have read the guidance on the intranet.

Initial Information

Name:	Aileen Powell
Job Title:	Licensing Team Leader
Email address:	Aileen.powell@dorsetcouncil.gov.uk
Members of the assessment team:	
Date assessment started:	
Date of completion:	
Version Number:	v.2

Part 1: Background Information

Is this (please tick or expand the box to explain)

Existing	
Changing, updating or revision	
New or proposed	New Policy for Taxis
Other	

Is this (please tick or expand the box to explain)

Internal (employees only)	
External (residents, communities, partners)	Both
Both of the above	

What is the name of your policy, strategy, project or service being assessed?

Taxi Licensing Policy 2022 – 2027

What is the policy, strategy, project or service designed to do? (include the aims, purpose and intended outcomes of the policy)

To replace the old District policies for taxis with one Dorset Council policy that informs applicants what we expect and guides the officers and committees that decide applications.

What is the background or context to the proposal?

<p>Shall we include information about the background of why we have the policy? Definition of taxi and private vehicle</p> <p>Prior to 2019, the former district and borough councils of West Dorset, North Dorset, Weymouth & Portland, Purbeck (?) and East Dorset were responsible for taxi licensing in Dorset. When Dorset Council was formed on the 1 April 2019 taxi</p>

licensing continued to be managed using existing policies. This new policy will replace all existing policies

Part 2: Gathering information

What sources of data, information, evidence and research was used to inform you about the people your proposal will have an impact on?

Focus groups. Dorset Disability Forum. Weymouth unmet demand survey.

What did this data, information, evidence and research tell you?

That there is a lack of Wheelchair accessible taxis. There are occasions when people are being refused access to taxis because they have assistance dogs, or mobility aids. Disabled people feel like second class citizens when it comes to accessing taxis.

Is further information needed to help inform this proposal?

No

Part 3: Engagement and Consultation

What engagement or consultation has taken place as part of this proposal?

Focus groups. Dorset Disability Forum. LGBT+ Voices Dorset Forum. Public consultation to follow

How will the outcome of consultation be fed back to those who you consulted with?

Everyone will be informed by email.

Please refer to the Equality Impact Assessment Guidance before completing this section.

Not every proposal will require an EqIA. If you decide that your proposal does **not** require an EqIA, it is important to show that you have given this adequate consideration. The data and research that you have used to inform you about the people who will be affected by the policy should enable you to make this decision and whether you need to continue with the EqIA.

Please tick the appropriate option:

An EqIA is required (please continue to Part 4 of this document)	x
An EqIA is not required	

(please complete the box below)	
---------------------------------	--

This policy, strategy, project or service does not require an EqIA because:

--

Name:

Job Title:

Date:

Please send a copy of this document to [Diversity & Inclusion Officer](#)

Next Steps:

- The EqIA will be reviewed by Business Intelligence & Communications and if in agreement, your EqIA will be signed off.
- If not, we will get in touch to chat further about the EqIA, to get a better understanding.

Part 4: Analysing the impact

Who does the service, strategy, policy, project or change impact?

- If your strategy, policy, project or service contains options you may wish to consider providing an assessment for each option. Please cut and paste the template accordingly.

For each protected characteristic please choose from the following options:

- Please note in some cases more than one impact may apply – in this case please state all relevant options and explain in the ‘Please provide details’ box.

Positive Impact	<ul style="list-style-type: none"> • the proposal eliminates discrimination, advances equality of opportunity and/or fosters good relations with protected groups.
Negative Impact	<ul style="list-style-type: none"> • Protected characteristic group(s) could be disadvantaged or discriminated against
Neutral Impact	<ul style="list-style-type: none"> • No change/ no assessed significant impact of protected characteristic groups
Unclear	<ul style="list-style-type: none"> • Not enough data/evidence has been collected to make an informed decision.

Age:	<i>Positive</i>
What age bracket does this affect?	All ages, but specifically children and the elderly.
Please provide details:	Positive impact as there will be closer links between the children’s services and adult services. There will also be greater involvement with the MASH.

Disability: (including physical, mental, sensory and progressive conditions)	<i>Positive</i>
---	-----------------

Does this affect a specific disability group?	All groups
Please provide details:	<p>The Equality Charter that will allow customers to know what the Council expects from the taxi drivers and what they can expect. The EC will be available to all groups and will form the basis of complaint handling in this area.</p> <p>There will also be a range of training programmes developed that drivers can earn accreditations for, and that can be published on the website to assist customers.</p>

Gender Reassignment & Gender Identity:	<i>Positive</i>
Please provide details:	<p>All gender specific pronouns have been replaced.</p> <p>Feedback from LGBT+ Voices Dorset Forum indicates there is some experience of discrimination in acceptance of fares and behaviour. The Equality Charter will reference this and awareness training will be explored.</p>

Pregnancy and maternity:	<i>Neutral</i>
Please provide details:	Not enough data/evidence has been collected to make an informed decision

Race and Ethnicity:	<i>Neutral</i>
Please provide details:	<p>Only 4.4 % BME and 1.7% with English not as first language which is very low. Whilst there is an English language test for drivers it will be limited to a spoken test. There is a significant number of drivers from the BME community and there is nothing within the policy that will affect the numbers currently licensed.</p> <p>The Equality charter will reference race and ethnicity and will have a general section on discrimination.</p>

Religion or belief:	<i>Neutral</i>
Please provide details:	The Equality charter will reference race and ethnicity and will have a general section on discrimination.

Sexual orientation:	<i>Positive</i>
Please provide details:	Feedback from LGBT+ Voices Dorset Forum indicates there is some experience of discrimination in acceptance of fares and behaviour. The Equality Charter will reference this and awareness training will be explored.

Sex (consider both men and women):	<i>Neutral</i>
Please provide details:	The Equality charter will reference race and ethnicity and will have a general section on discrimination.
Marriage or civil partnership:	<i>Neutral</i>
Please provide details:	The Equality charter will reference race and ethnicity and will have a general section on discrimination.
Carers:	<i>Choose impact from the list above</i>
Please provide details:	Not enough data/evidence has been collected to make an informed decision
Rural isolation:	<i>Neutral</i>
Please provide details:	the policies proposed are not aligning with the policies in Urban areas which tend to be more restrictive on age of vehicles. This will not change things for those drivers servicing rural areas, who could be negatively affected by such policies.
Single parent families:	<i>Neutral</i>
Please provide details:	Not enough data/evidence has been collected to make an informed decision
Social & economic deprivation:	<i>Neutral</i>
Please provide details:	There are no policies that should impact on the cost of service to the travelling public
Armed Forces communities	<i>Neutral</i>
Please provide details:	Not enough data/evidence has been collected to make an informed decision

Part 5: Action Plan

Provide actions for **positive**, **negative** and **unclear** impacts.

If you have identified any **negative** or **unclear** impacts, describe what adjustments will be made to remove or reduce the impacts, or if this is not possible provide justification for continuing with the proposal.

Issue	Action to be taken	Person(s) responsible	Date to be completed by
	Continued work on the Equality Charter with the Disability Forum		
	Sourcing of Training Modules to raise awareness		

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EqIA Sign Off

Officer completing this EqIA:		Date:	
Equality Lead:		Date:	
Equality & Diversity Action Group Chair:		Date:	

Next Steps:

- Please send this draft EqIA to: [Diversity & inclusion Officer](#)
- The report author will be invited to an Equality & Diversity Action Group (these are held monthly - dates are available on the intranet)
- The Equality & Diversity Action Group will review the EqIA and you may be asked to make some alterations
- EqIAs are signed off and published
- The report author is responsible for ensuring any actions in the action plan are implemented.

Sponsorship and Advertising Guidelines

February 2020

1. Introduction

- a) The purpose of this document is to provide guidance on any form of advertising and sponsorship that may be sought and accepted by Dorset Council (the “Council”). The Council is committed to developing appropriate advertising and sponsorship opportunities, to support its core activities either directly or indirectly. It will encourage commercial relationships which support the delivery of its strategic goals.
- b) The guidelines aim to provide helpful advice to Council colleagues and prospective advertisers and sponsors on what is, and is not, an acceptable form of advertising for the Council.
- c) The guidelines apply to advertising and sponsorship opportunities connected to the Council’s assets, advertising platforms, campaigns, services, events and other activities that it has responsibility for.
- d) The guidelines will help:
 - Uphold the Council’s reputation and corporate identity.
 - Secure best value for money and maximise income.
 - Provide a framework and control measures.
 - Establish a corporate approach and standards (including best practice).
 - Ensure compliance with legislation, advertising industry codes and other Council policies.

2. Context and scope

- a) For the purposes of the guidelines, ‘advertising’ and ‘sponsorship’ encompasses goods, services, ideas, causes, opportunities, prizes and gifts that may be promoted.
- b) Advertisers and sponsors may include the Council, partners of the council, and external organisations.
- c) Advertising and sponsorship is usually paid for by advertisers or sponsors.
- d) Advertising and sponsorship messages can take a variety of forms on Council-owned platforms and can be viewed via a variety of traditional and new media (e.g. newspapers, magazines, television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites, social media and text messages).
- e) A person who consumes advertising is anyone who is likely to receive a given marketing communication, whether in the course of business or not.

- f) The guidelines should be read in conjunction with any applicable regulatory codes.

3. Advertising

a) Advertising is defined as...
“An agreement between the Council and the advertiser, whereby the Council receives money from an organisation or individual in consideration of which the advertiser gains publicity in the form of an advertisement in Council controlled print, broadcast or electronic media”.

- b) The guidelines are not an exhaustive list and takes as its start point that all advertising falls within the rules and guidelines laid out by the Advertising Standards Authority (ASA). www.asa.org.uk

All advertising must:

- uphold the rules laid out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) <http://www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx>
- follow the Code of recommended practice on Local Authority publicity <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>.
- take note of the Consumer Protection from Unfair Trading Regulations 2008, which seeks to protect consumers from unfair, misleading or aggressive marketing practices and requires all advertisers to strongly comply with not only the letter but also the spirit of these regulations.

- c) In line with the codes referred to above, advertisements should be:

- legal, decent, honest and truthful
- created with a sense of responsibility to consumers and society
- in line with the principles of fair competition generally accepted in business and that the codes are applied in the spirit as well as the letter.

- d) The Council will not consider sponsorship or advertising that:

- Is against the Advertising Standards Authority's advertising code; www.asa.org.uk
- Does not uphold the rules laid out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx
- Does not follow the Code of Recommended Practice on Local Authority publicity www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity
- Could be considered socially or politically contentious or which conflicts with the policies, values or statutory obligations (e.g. equalities legislation) of the Council.
- Involves unlawful prejudice and/or discrimination.
- Creates legal or financial conflict with the interests of the councils.
- Conflicts with the council's branding.
- Has party-political associations or lobbying campaigns.
- Promotes smoking.
- Promotes the irresponsible consumption of alcohol.
- Promotes gambling or betting, except licenced or registered lotteries benefiting local good causes e.g. society or local authority lotteries.
- Promotes pornography or adult content.

- Promotes weaponry.
 - Promotes payday lenders or financial organisations with punitive interest rates.
 - Infringes on any trademark, copyright or patent rights of another company.
 - Appears to promote racial or sexual discrimination, or discrimination on the basis of disability, faith, gender or age.
 - Could otherwise bring the councils into disrepute or conflict with contractual obligations.
 - Are likely to cause reputational damage to the Council.
- e) Private sector companies providing services that compete with those provided by the Council, or other public sector organisations, may request to advertise. The Council retains the right to refuse advertising on the grounds that, it would not be appropriate to display advertising for 'competing services'. What constitutes a competing service will change from time to time and should, therefore, be judged on a case-by-case basis. The expectation is that most advertising and sponsorship from local and other businesses will generally be acceptable.
- f) The Council shall reserve the right to terminate any contract or arrangement it may have entered into with a sponsor, where that sponsor has suffered a reputational loss due to its conduct and/or where that conduct is inconsistent with the Council's aims and objectives.
- g) The Council retains absolute discretion to reject any request for advertising space in any location from external vendors. The Council reserves the right to remove advertising without reference to the advertiser.
- h) The above list is not exhaustive, and any approach can be declined at the Council's sole discretion by an officer of the Council.
- i) Third-Party Supplied Advertising
- In some cases, the Council may contract a third party to supply advertising for a Council publication or advertising platform. For example, a third party may sell advertising for the Dorset Council's magazine, similarly an online ad network, or automated buying platform might provide programmatic advertising for the Council's websites or digital advertising platforms.
 - Where a third party is responsible for the sale, or publishing of advertising, the contractual arrangements should include a requirement to comply with these guidelines.
 - The Council officers responsible for managing the third-party arrangement should approve the advertising provided by third parties to ensure that the arrangements comply with these guidelines.

4. Sponsorship

- a) Sponsorship is defined as...
- "An agreement between the Council and the sponsor, where the Council receives either money or a benefit in kind for an event, campaign or initiative from an organisation or individual which in turn gains publicity or other benefits".
- b) The guidelines aim to:
- maximise the opportunities to attract commercial sponsorship for appropriate events, campaigns or initiatives.

- make sure that the Council's position and reputation is adequately protected.
 - make sure an appropriate return is generated from sponsorship agreements.
 - make sure that a consistent and professional approach is adopted to the development of sponsorship agreements.
 - protect councillors and officers from potential allegations of inappropriate dealings or favouritism with sponsors.
- c) All sponsorship arrangements must meet the principles for advertising (section 3 above).
- d) The Council will welcome all opportunities to work with sponsors where such arrangements support its core values. However, it will not enter into a sponsorship agreement if, in the reasonable opinion of the Council, the agreement:
- may be perceived as potentially influencing the Council or its officers in carrying out its statutory functions in order to gain favourable terms from the Council on any business or other agreement.
 - aligns the Council with any organisation or individual which conflicts with its values and priorities.
- e) The Council will not therefore enter into sponsorship agreements with:
- organisations which do not comply with the Council's Advertising guidelines (above) or the Advertising Standards Authority code of practice
 - organisations in financial or legal conflict with the Council
 - organisations with a political purpose, including pressure groups and trade unions
 - organisations involved in racial or sexual prejudice or discrimination on the basis of disability, faith or gender or age.
- f) Private sector companies providing services that compete with services provided by the Council, or other public sector organisations, may request to become a sponsor. However, the guidance toward competitor sponsorship will be reviewed on a case by case basis. The Council retains the right to refuse sponsorship on the grounds that, in the Council's opinion, it is inappropriate, or it conflicts with services already provided by the organisation.
- g) The list above is not exhaustive, and the Council retains the right to decline sponsorship from any organisation or individual or in respect of particular products or services which the Council in its sole discretion considers inappropriate.
- h) The Council will agree with the sponsor the nature and content of the publicity anticipated from the sponsorship opportunity, and will retain the right to approve all sponsorship material.

5. General Terms and Conditions

- a) The Council shall reserve the right to terminate any contract or arrangement it may have entered into with an advertiser or a sponsor, where that advertiser or sponsor has suffered a reputational loss due to its conduct and/or where that conduct is inconsistent with the Council's aims and objectives.
- b) The Council will not be liable for any loss or damage caused by amendment to advertisements and sponsorship either in print or electronic, through error, late publication or non-publication from any cause whatsoever.

- c) The Council will not accept liability for any error on the part of third parties or due to inaccurate instructions.
- d) The advertiser or sponsor is solely responsible for fulfilling and dealing with any orders or enquiries relating to the goods, services or promotion to which the sponsorship or advertisement relates and will indemnify and hold the Council harmless accordingly.
- e) The advertiser or sponsor acknowledges that the Council is subject to the Freedom of Information Act 2000 and will assist the Council at its own expense to enable it to comply with its information disclosure requirements under the Act as may arise in relation to this Agreement.
- f) The advertiser or sponsor acknowledges that all the information and data collected in this Agreement will be used and shared carefully and sensibly in line and in accordance with the Council's privacy policy, which can be read by visiting the Council's website <https://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorset-council-privacy-notice.aspx>
- g) Both parties will take appropriate steps to ensure that no conflict of interest arises in relation to the advertising or sponsorship arrangement.
- h) Wherever possible contract terms should state that payment should be made in full prior to the commencement of the agreed advertising and sponsorship activities. It is accepted that this may vary depending on the nature, value and duration of the advertising and sponsorship agreement.

6. Responsibility and procedures

- a) The primary responsibility for ensuring advertising and sponsorship arrangements comply with these guidelines, and other applicable regulatory codes, rests with the officers of the Council.
- b) Before agreeing advertising or sponsorship, Council officers will consider the guidelines set out in this document and follow the guidance provided. The guidelines should be applied in the spirit as well as the letter. That means that common sense should be applied.
- c) The overall coordination of advertising and sponsorship agreements across the Council will be the responsibility of the Procurement and Commercial team and the Communications team.
- d) All potential advertisers and sponsors should be referred to the guidelines for information and guidance.
- e) All organisations contracted by Dorset Council; Dorset Council's services; and the employees of Dorset Council must consider these guidelines.
- f) Council officers responsible for advertising and sponsorship arrangements will give due consideration to possible impacts of agreements with advertisers, particularly being aware of services that conflict with those provided by the council. Officers will liaise with relevant Service Managers in cases where advertisers provide services that conflict with those provided by the council.

- g) In the event that any advertising or sponsorship campaign does not clearly fall within the guidance contained in this document, the Executive Director will be consulted to reach a determination.
- h) Council officers are required to declare in advance if they have any personal interests, involvement or conflicts of interest with any potential sponsors or advertisers. In the event of a conflict of interest, that officer will take no part in the consideration of advertising and sponsorship with that particular organisation.

7. Advertising and sponsorship fees

- a) Advertising and sponsorship fees are set with consideration to current market conditions locally, and do not seek to offer unfair advantage against private sector organisations in Dorset by undercutting the prices of other local commercial organisations.
- b) The advertising and sponsorship fees are set by the relevant council service; advice and guidance on setting appropriate market rates can be provided by the Commercial and Procurement team as required.
- c) Fees will be set to maximise income and gain best value for the council, without becoming priced out of the local market place and reducing revenue streams.

8. Disclaimer

- a) The use of the Council's corporate identity within any advertisers or sponsors publicity, must not imply endorsement of any product or service by the Council must be approved by a Council officer.
- b) The Council reserves the right to approve all advertising and/or artwork before publication or display through the Council's channels.
- c) By selling advertising, the Council is competing with private sector media. The Council will therefore ensure that it does not in effect subsidise the advertising opportunity. It will attempt to make sure that advertising space is sold at market rate.
- d) Acceptance of advertising or sponsorship does not imply any endorsement of the Advertiser's or Sponsor's products or services by the Council.
- e) The Council do not accept any liability for any information or claims made by the advertisement.
- f) Any inclusion of the Council's name on a publication should not be taken as an endorsement by the Council.

9. Review of Guidelines

- a) The guidelines will be reviewed every two years or earlier depending on market or organisational changes.

Dorset Disability Equality Forum Formal Consultation Response on Dorset Council's Taxi Policy - 13th September 2021

Dorset Disability Equality Forum is a group of statutory, community and voluntary sector representatives and lay members with lived experience of physical and learning disabilities, mental health conditions, neurodiversity and sensory impairments and long-term health conditions and their carers. We are committed to raising the profile of and progressing disability issues in Dorset. We adopt the Social Model of Disability which recognises the barriers which are created by society and how these interact with our conditions to disable us. We offer advice and information on disability issues to organisations and are community-led, using lived experience as a foundation stone in improving equality for the disabled community. We believe in creating a supportive and constructively challenging environment in which the services we, as disabled people, interact with can enhance their provision.

We have been delighted to be consulted by Dorset Council on the review of their Taxi Policy for January 2022 onwards and share with them the below priorities as voiced by the disabled community in Dorset.

- Expectations
- Training for drivers and operators
- Accessibility packs for all vehicles
- Booking
- Boarding
- Journey
- Getting out the taxi
- Alerting if something goes wrong
- Next steps

Expectations

Every customer, their friends and family, carers, personal assistants and travel companions, should be treated with courtesy and recognition of the diversity of conditions and impairments experienced and the impacts of these. This should be done from the perspective of the Social Model of Disability, which recognises that people are disabled by their environments, in terms of the physical, social and attitudinal barriers which are created by a society which fails to plan for and adapt to the diversity of experiences of individuals and therefore, the duty that services have to remove, as far as possible, those barriers. Everyone should be treated with recognition that they are unique, without assumptions and a person-centred approach taken. Everyone involved in the customers' journey, from the council licensing and inspecting operators, booking staff and drivers, should be aware of and sensitive to individuals and their supporters' needs, without depriving customers of their independence. Time and help should be

given freely and offered when appropriate, no-one should be disadvantaged nor left to struggle and aids and adaptations (including assistance or therapy dogs) accommodated willingly and without question.

Customers and their supporters are not defined by their experiences of disability and should not face intrusive or inappropriate questions or comments.

All information, signage and language used by employees of Dorset Council and taxi operators at all stages must be fully inclusive and appreciate the diversity of customers' experiences, across all 9 protected characteristics and the additional characteristics adopted by Dorset Council. This includes disability, gender identity and sexual and romantic identities and it is expected that everyone will feel taxi operators and transport are a safe space for them. Language should be gender neutral, not make assumptions, welcoming and inclusive of people and provide support whenever needed to maintain the safety of people both within and outside the taxi (e.g. as a place of solace and support if at risk of or under threat of physical or verbal harm).

Drivers must take all assistance and therapy dogs unless they have a medical exemption certificate. If a driver has a medical exemption certificate, this should be advised at the point of booking and an alternative be explored if necessary. All customers should be able to decide how and where their dog travels with them.

All taxi operators and Dorset Council as the licensing authority, should offer and promote a transparent and accessible feedback and complaints mechanism. The standards of behaviour and treatment customers should rightly expect should be advertised via whatever booking system they use, whether this by telephone, app, website etc and in the vehicles themselves. This information should be available in a variety of different formats, to be fully inclusive of people who may have communication barriers. Dorset Council should seek to offer a variety of mechanisms which take account of people's preferences and access issues, including those who are not digitally connected and those who need facilitated access. Feedback should be proactively sought via the same mechanism as is used to booked a journey and the council, as the licensing authority, should seek to engage with a range of different community organisations representing diverse experiences, such as Dorset Disability Equality Forum, Help and Kindness, LGBT+ Voices Dorset Forum, Dorset Race Equality Council, Citizens Advice Central Dorset and LGBT+ Dorset Equality Network to name but a few.

Standardisation of funding to contracted taxi operators should apply equally from the council. Some members have reported that one firm gives a percentage to drivers, with the back office keeping a percentage, while another firm gives all the funding to their drivers. This is seen as leading to an enhanced offer from the drivers who are properly invested in.

Training

The following is not an exhaustive list but represents a guide to a breadth of training that should be rolled out as standard, before a license is granted to either an operator or driver and repeatedly at least every renewal.

1. Blind/Deaf awareness.
2. [e-LfH Hub](#) - preferred training from Public Health England for Suicide Prevention
3. <https://www.zerosuicidealliance.com/training> - this could be done in addition to the above e-LfH Hub training but is not enough as a standalone module, it would still be great if *everyone* did this
4. Sunflower Lanyard Scheme and its meaning for hidden disabilities, use of additional cards to add to the lanyard for specific barriers e.g. Autism and how people can help
5. Autistic Spectrum Conditions and the communication difficulties people on the spectrum may have
6. Service dogs - how to recognise them and what the rules are around them
7. What to do if someone is having a panic attack
8. How to talk to someone in distress/extreme distress
9. Visual Impairment Awareness Training is needed for all drivers & staff taking the bookings
10. Mental Health First Aid training dorsetmind.uk/product/mental-health-first-aid-adult-aug-eve-21/
11. Driver training to pick up, check and effectively use accessibility information which has been collected at the point of booking
12. Understanding of people's different needs and that it may not be possible to "just drop someone off". All passengers and their supporters must be treated with courtesy and drivers' lack of understanding not impact on them
13. Help the person to feel safe, both the disabled person and the people supporting them
14. Knowledge of the area, barriers and how passengers can be best supported in terms of drop-off and pick-up, not just the quickest routes there
15. Check-in with the passenger at the start of the journey, to either ask if or advise what to do if they need help, this needs to be routinised

[Accessibility packs for all vehicles](#)

This list does not represent a conclusive list of all aids/adaptations that every disabled person will need or that taxis should carry, however, it does represent a starting point that will provide a basic offer to some within the disabled community to improve their access. The kit needs to be advertised at the time the service is booked, via whatever method that may be and should be confirmed in the booking confirmation. The availability of the kit should be reiterated at all points, e.g. booking, pick-up, on the journey and at drop-off. Whether a person requires the kit should be asked in a sensitive way and in such a way that no response is required from the individual but that enables them to change their mind at any point through their interaction or journey. The call handler, app and driver should emphasise it is available, give examples and encourage its use at any and all points on the person's journey. Smaller items from the kit should be readily accessible and visible to the passenger, in a safe and uncluttered place within the taxi, so they can self-service.

1. A Cushion
2. A way of alerting the driver to mental needs as well as physical. perhaps something as simple as a button to press that lights up a box on the parcel shelf, so the taxi driver can see someone is in distress mentally. This could also be a pack of green cards, amber cards and red cards in the back too that the passenger can pick to indicate to the driver - this could mean different things from don't talk to me, to i need help, to everything's fine - drivers must be trained to ask appropriate and sensitive questions and engage with the passenger
3. Car transfer bar https://www.amazon.co.uk/HandyBar-091032705-Car-Transfer-Bar/dp/B00HVVAGMI/ref=asc_df_B00HVVAGMI/?tag=googshopuk-21&linkCode=df0&hvadid=309808827530&hvpos=&hvnetw=g&hvrnd=8061161503993354275&hvpon=&hvptwo=&hvqmt=&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=1006634&hvtargid=pla-613850967072&psc=1
4. Putnams magic cushion (they self inflate so can be compressed for storage)
5. Back Friend - foldable and adjustable portable seat that can be placed onto virtually any seat
6. Stim toys in the back of the taxi

Booking

When booking a journey, whether by phone, online or app, a checklist/series of questions should be asked to understand and be able to support the passenger's needs as well as possible. It is important this is not left until the driver picks up, so they have all the correct information, are able to support as needed and the vehicle is suitable for the passenger to proceed with their journey without delay/problem.

The driver must pick up this information and reliably use it. See suggestions under 'Next Steps'. Collection of this information needs to be routinised by call handlers and made easily accessible whether booking online or via an app. The "spiel" must not be rushed through but pride incited in call handlers and drivers so they feel upskilled and positive about giving the service. All operators and drivers should be aware of and sensitive to the diversity of conditions people experience and able to respond appropriate to these.

It may not always be appropriate for the passenger to be interacted with directly - they may be uncomfortable or unable to communicate independently. The option to record an alternative contact should be facilitated via all booking methods and utilised if information is needed to be communicated, such as if the taxi is going to be late. This may apply for example in cases where the passenger has dementia or learning disabilities.

A much wider fleet of accessible vehicles is needed, which can operate across all times of day and night, undisrupted by contracts such as for schools. Disabled people are engaged in all aspects of everyday life and must not be limited to (discriminated against) on what times they are "allowed" to travel because of these factors. People are often left stranded, outside in the cold and wet, unable to continue their journey, leaving them vulnerable in a multitude of ways.

Return journeys should be bookable at the point of booking or taking the outward journey, to give reassurance that the person can get back at their chosen time and complete their journey.

Taxis must run punctually and should reasonably be expected to arrive within five minutes of their booked time, especially if it has been pre-ordered and furthermore, if it is operating under contract from the council. Unreliability can cause additional problems for passengers with additional needs and carers or supporters who have to deal with high levels of anxiety, distress and/or uncertainty. Contact via the booking method should be routinised if there are any delays or anticipated issues with providing the booked service.

Different payment methods, including cash, should be available as standard, to protect disabled people from potential vulnerabilities associated with different payment types, e.g. sharing card details. The cost of the journey should be made clear at time of booking so clients can have the exact amount of cash ready, if that is the desired payment method.

Booking methods, whether by phone, online or app, must effectively convey all requirements and drivers follows through on these.

Boarding

All passengers should reasonably expect to enter a freshly cleaned and safe vehicle, including having interior and exterior door handles and frames wiped down between bookings.

Drivers must not refuse, as often happens, to take people with particular conditions, which results in high levels of distress and the person being stranded. All drivers should willingly and freely assist, for example by opening car doors and dropping passengers off where it is safe, not only where it is convenient for the driver.

Journey

Drivers should be confident not only of the quickest routes but of the context of a route, to inspire passengers and reduce their anxiety.

Space should be respected, as well as preferences to not communicate or ways of communicating.

Communication should be compassionate and genuine, without being patronising or condescending.

Getting out the taxi

People may need physical and emotional support getting in and out of taxis and making sure they get to where they need to go.

Drop offs should be in a suitable place and the passenger may need taking into the building and/or be handed over to someone else.

Drivers should make every effort to drop the client off as near to the venue entrance as possible & they should not be dropped off where a road needs to be crossed.

Drivers should be sensitive to people's speed and not show any impatience.

If the passenger is visually impaired, drivers should give guidance to them as to exactly where they are positioned so that they can be aware of their surroundings.

Next steps

Dorset Disability Equality Forum requests that Dorset Council work with us, as representatives of the disabled community and the statutory, community and voluntary sectors working with disabled people, to co-produce

- An accessibility app: this will allow disabled passengers and their carers to indicate their needs in advance of their journey and receive assurance and ensure accountability that their needs will be met. Examples of prototypes that could be explored include the Welcome app and the Transreport app. We would

like to see Dorset Council develop or procure an app designed with the disabled community to enable them to access transport that meets their needs

- An accreditation scheme for all taxi operators in the Dorset Council area, based on criteria to achieve and a consumer rating system. The criteria should be co-produced with the disabled community and banded, bronze, silver and gold, to inspire competition between operators and enable disabled customers and their carers to exercise choice when planning and booking their journeys. We would like to see this be a peer tested/peer review scheme developed in collaboration between Dorset Disability Equality Forum and Dorset Council

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