

Proposed Amendments to Taxi and Private Hire Policy Spring 2024

2.3 NR3 to NR3s	
Proposed Change: To replace reference to NR3 with NR3s	Rationale: This is a legal requirement and will not need Member approval.
Responses	
N/A	

2.11 Competency Test	
Proposed Change: To add: 2.11 e) "A maximum of 3 tests may be taken before the application will be refused, and a new application can be submitted. A new application may not be submitted until at least 3 months has elapsed since the initial application was refused.	Rationale: On occasion an applicant has attempted the tests several times, this questions their suitability and fitness as a driver, and suggests the policy has not been read adequately.
Responses	

3.1 n) General (Trailers)	
Proposed Change: Introduce a new section in the policy: a. A trailer may only be used for the purpose of conveying the luggage of fare paying passengers whilst they are being conveyed within the vehicle and for no other purpose. All journeys would be those where the vehicle has been pre-booked. b. A current certificate of insurance must be produced to the council which covers the use of a trailer and the vehicle licensed to tow it. Such insurance must extend to cover any luggage carried within the trailer. c. Every trailer must comply in all respects with the requirements of Regulation 55 type approval and any acts and Regulations relating to trailers or parts thereof of which may be in force at the time of licensing. d. The maximum gross weight of any trailer shall not exceed 750kg.	Rationale: There is currently nothing in the policy to regulate the use of trailers.

Responses	

3.1 General o) Insurance Write-Off

Proposed Change: To insert a new paragraph: “Category A, B, N or S write-off vehicles will not be permitted”.	Rationale: Nothing in the SCDC Policy currently restricts the licensing of insurance write-offs. To further enhance driver and passenger safety and vehicle standards.
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Responses	

3.6 l) External Signage and Livery (Operator Door Signs)

Proposed Change: Remove the need for vehicles to display the name of the Private Hire Operator in line with the revised Guidance. Operator signage can be displayed, but this is optional.	Rationale: The Guidance states Authority private hire signage requirements should be limited to the authority licence plate or disc and a “pre-booked only” door sign. Members indicated that they were not comfortable with this change, and will be considering rationale based upon public safety and local considerations.
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Responses	

3.7 Emissions

a) Delete this section.	Rationale: Obsolete
c) Remove reference to the Cambridge City Centre access for ultra-low and zero emission licensed vehicles only.	Obsolete

Responses	

3.9 a) and b) Safety Equipment

Proposed Change:	Rationale:

<p>a) Remove the requirement to carry a first aid kit</p> <p>b) Remove the requirement to carry a fire extinguisher.</p>	<p>Drivers are not medically trained and therefore should not be required to administer first aid. Simple equipment such as plasters may be carried, but this is not mandatory.</p> <p>National Fire Chief Council recommends that LAs that require fire extinguishers to be provided in vehicles should ensure that suitable and sensible training is received by the drivers. The Highway Code advises that should a vehicle catch fire occupants should get out quickly and to a safe place and not attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare.</p> <p>The carrying of an extinguisher should therefore become optional rather than mandatory.</p>
<p>Responses</p>	
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<p>3.12 Vehicle Testing</p>	
<p>Proposed Change:</p> <p>3.12 a) To require all vehicles regardless of age to provide an MOT Test Certificate (vehicles are currently required to provide an MOT after one year as stated in the handbook)</p>	<p>Rationale:</p> <p>To comply with the Guidance.</p>
<p>Responses</p>	
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<p>3.13 Vehicle Inspections (Daily Vehicle Checks)</p>	
<p>Proposed Change:</p> <p>Add section 3.13 b): A driver should undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running,</p>	<p>Rationale:</p> <p>To comply with the Guidance.</p>

the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check.

Drivers are required to retain the vehicle checklist as proof that they have undertaken the required vehicle check. Sanctions may result against the driver as well as vehicle proprietors, if they are unable to produce the checklists; if it appears that a checklist has been completed but the physical check not undertaken or if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.

Responses

3.16 Accessibility/Inclusive Service Plans

Proposed Change:

To rename this “Inclusive Service Plan”, and to modify and review this section at least every 5 years.

The Authority will work with partner agencies with regards to developing inclusive service plans within its remit.

Rationale:

The Guidance requires local authorities to develop Inclusive Service Plans, including strategies to make transport more inclusive, and specifically in relation to taxi and private hire provision. The plans should be developed collaboratively with organisations representing the interests of disabled people and those with other protected characteristics.

The Plan will be developed with consultation with Healthwatch Cambridgeshire and Peterborough and other relevant groups.

Responses

3.16 Accessibility (Wheelchair Accessible Vehicles (WAVs))

A WAV will be defined as “a vehicle specifically built for wheelchair users, which can include an after-sales professional installation of a tail lift or factory fitted ramp”.

Rationale:

There is a shortage of WAVs in the District, the Guidance states Licensing authorities should incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate, and this includes exercising discretion on application of other

<p>Proposed Change: Remove the emissions standard for WAVs so that a new vehicle may be licensed if it is at least Euro 5 standard.</p> <p>AJM Healthcare, who provide NHS wheelchair services, have confirmed that as of 1 February 2024, there are 594 active service users, registered with a South Cambs GP. As this does not include those deemed not eligible for the service and/or who have privately bought wheelchairs, so the number of wheelchair users in the District will likely be much higher.</p>	<p>vehicle requirements if they would prevent suitable wheelchair accessible vehicles from being brought into service where there is unmet demand.</p> <p>Transporter vehicles are specially adapted with tail-lifts and retaining older, well maintained, vehicles on the road which meet the needs of wheelchair users may help address the shortage of available vehicles. This will also support the Inclusive Service Plan.</p>
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Responses

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3.16 Accessibility (Wheelchair Accessible Vehicles (WAVs))

<p>Proposed Change:</p> <p>3.16 h) To reword to state:</p> <p>a) All vehicles fitted with a tail lift for wheelchairs must meet all requirements of the HSE provide a valid Lifting Operations Lifting Equipment Regulations (LOLER) certificate of compliance to prove that the tail lift has been tested and checked to the required standards. It must be retested every six months as per Health and Safety Executive (HSE) requirements.</p>	<p>To future-proof and ensure all HSE requirements are adhered.</p>
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Responses

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3.19 Executive Exemptions

<p>The Guidance states Licensing authorities should only exempt the display of a licence plate by a private hire vehicle in exceptional circumstances. 'Executive hire' services are licensed as private hire vehicles and licensing authorities should assure themselves that there is sufficient justification to exempt these vehicles from a requirement to display a plate or disc and that there is an effective means to prevent the vehicle being used for 'normal' private hire work.</p> <p>Proposed Change:</p>	<p>Question:</p> <p>The policy states the type of work is executive in nature. This means that the vehicle is used solely to provide transport under a written contract.</p> <p>Is there a need to amend the Policy or does it meet business needs?.</p>
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3.19 d) Revise as follows:

Vehicles considered for exemption must be at least Category E or F EU Classification of vehicle types, considered to be “luxury” standard such as BMW 7 series or Mercedes S Class. People-carrier type vehicles must be of the highest specification and in showroom condition.

Responses

4.10 Operators (Suitability of Premises) Home Based Operators

Proposed Change:

The number of vehicles that may be operated from a home-based operator may have to be restricted to 2 vehicles (unless car parking off-road is provided). Existing operators will be permitted to renew licences with a number higher than 2.

Rationale:

To address Member complaint that residents impacted by business operations and limited parking.

Responses

5.3 d) Range of Powers (and other sections)

Proposed Change:

d) Where an applicant or licence holder is aggrieved by this Licensing Authority’s decision to refuse an application for a driver licence or any conditions attached to the driver licence, the applicant has a right of appeal to the Magistrates Court within 21 days of being given that decision.

Where an applicant or licence holder is aggrieved by this Licensing Authority’s decision to suspend, revoke or refuse to renew a licence, the applicant or licence holder has a right of appeal to the

Rationale:

The Local Government (Miscellaneous Provisions) Act 1976 states at section 52: Any person aggrieved by—
(1) the refusal of the district council to grant a driver’s licence under section 51 of this Act; or
(2) any conditions attached to the grant of a driver’s licence; may appeal to a magistrates’ court.

Section 61 states any driver aggrieved by a decision of a district council to revoke or suspend a licence may appeal to a magistrates’ court.

<p>Magistrates Court within 21 days of being given that decision.</p>	<p>Routes to appeal are currently contradictory in policy, so the amendment would clarify the position, and crucially, there is a need to avoid Members having to determine against their own Council agreed policy.</p>
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Responses

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