

## **A.2 HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES AND DRIVERS A PROPOSED REVISION OF ACCEPTANCE CRITERIA**

(Report prepared by Alan Tolmie)

### **PART 1 – KEY INFORMATION**

#### **PURPOSE OF THE REPORT**

1. To report the results of the consultation on the proposed criteria for acceptance as a Hackney Carriage/Private Hire vehicle or driver, in order that Members may be better informed in their determination on whether to adopt the proposed revised criteria.
2. To recommend that the policy on CCTV in Hackney Carriage/Private Hire vehicles be adopted.

#### **EXECUTIVE SUMMARY**

Members may recall that at their meeting of 19 July 2011 (minute 8 refers), permission was given to your officers to consult on the proposed changes to the acceptance criteria for Hackney Carriage/Private Hire vehicles and drivers. A letter outlining the proposed changes was sent to all drivers currently licensed by this Authority, a copy of which is attached as Appendix A to this report. In addition, a public seminar was held on 26 September 2011 in the Council Chamber, Weeley. The results of those consultations are detailed below. If Members are minded to allow CCTV in vehicles it will be necessary to agree a policy governing the use of such CCTV in vehicles. A copy of the proposed policy is attached as Appendix B.

The adoption of the revised criteria would enhance the Authority's partnership working with Essex Police, Essex Fire and Rescue Service and the Taxi Trade. It would also assist in projecting an enhanced image of the district for residents and tourists.

#### **RECOMMENDATION**

- a) **That Members determine which, if any, of the proposed acceptance criteria, numbered 1 – 14 below, they wish to adopt.**
- b) **Subject to the adoption of the revised criteria, an inception date is set.**
- c) **If permission for the use of CCTV in vehicles is granted, that the draft policy governing such use be adopted.**

### **PART 2 – IMPLICATIONS OF THE DECISION**

#### **DELIVERING PRIORITIES**

The proposed revision of the acceptance criteria supports many of the key elements of this Council's Corporate Plan and the Sustainable Community Strategy for Tendring including.

- Building a thriving local tourism industry, for Tendring
- Ensuring people have the knowledge and skills to secure good employment
- Remaining a low crime area and reducing the fear of crime.

#### **FINANCE, OTHER RESOURCES AND RISK**

**Finance and other resources**

There are no financial implications for the Authority other than the possible award of a free licence to the winner of the "Driver of the Year" competition.

**Risk**

If the proposed revisions were not to be adopted, the image presented by the taxi trade to residents and visitors to the District could deteriorate. There have been indications that, at a future stage, Essex County Council transport contracts would only be awarded to drivers/operators who could clearly demonstrate above average standards.

**LEGAL**

The proposed action is within the Council's discretionary powers.

**OTHER IMPLICATIONS**

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

**CRIME AND DISORDER**

The inception of this revision will assist with the reduction in crime and help reduce the fear of crime.

**EQUALITY AND DIVERSITY**

An Equality Impact Assessment will be undertaken if Members agree to the revision. Improved qualifications and training requirements for taxi drivers will include customer care and equality and diversity awareness training.

**CONSULTATION AND PUBLIC ENGAGEMENT**

Officers wrote to each of the 390 drivers licensed by this Authority. 76 responses were received, the results of which are detailed below.

A public seminar regarding the proposed changes was held at the Council Offices, Weeley, on Monday 26 September 2011.

**AREA/WARDS AFFECTED**

All wards

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

The folder containing all the responses to the consultation will be available for viewing at your meeting, or can be viewed at the Licensing Office, Westleigh House, on request.

The responses to the letter and the seminar are as follows:-

Of the 390 drivers canvassed, 76 drivers responded, 66 of whom were Hackney Carriage drivers and 9 were Private Hire drivers.

Question	Agree	Disagree	No Comment
1. All new drivers to obtain a BTEC, or it's equivalent in passenger handling prior to making an application.	54	21	1
2. All new drivers are to pass a DVSA drivers test.	65	11	0
3. All new drivers are to pass an enhanced knowledge test.	68	8	0
4. Consider interviews for new applicants and prior questionnaire.	69	6	1
5. Character references to accompany new applications.	68	8	0
6. The introduction of positive publicity for taxis by means of ideas such as a "Best Driver/Best Taxi" competition, judged by Members, whereby the winner would receive a free vehicle/driver's licence and/or other suitable reward(s).	42	31	3
7. The introduction of a "higher quality award" for taxis with associated privileges. Seeking to transform the taxi business from a trade to a profession.	47	25	4
8. A minimum dress code.	63	13	0
9. Introduction of regular meetings with the trade.	61	12	3
10. Taxi news letter and regular customer engagement/consultation (public and taxi drivers).	68	5	3
11. Improved licence administration including MOT/Safety testing.	55	20	1
12. Partnership with Essex Police and other agencies providing intelligent on crime and to support vulnerable people.	59	16	1
13. New vehicles licensed by this authority to be of a standard design such as white with the bonnet and boot/rear panel coloured Tendring Corporate green with the council crest to be displayed on the front doors of the vehicle.	12	61	3

14. The introduction of a knowledge test for all new Private Hire applicants.	70	5	1
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Additional pertinent comments :-

Of the 61 respondents who were against the introduction of a liveried fleet and chose to comment further, 15 objected on cost , 2 said it would affect the resale value of their vehicle, 1 commented that he would be unable to use the vehicle for family purposes and 6 suggested an alternative of just one uniform colour with the Council crest on the front doors.

7 drivers asked for tougher action against smoking in taxis.

12 drivers asked for more rank space in places such as Brook Farm and Waterglade Retail Parks, with increased visibility of all ranks.

1 request for waste bins to be provided at ranks to cut down on rubbish pollution.

2 requests for meetings to take place other than Clacton and,

1 request for an increase to the table of fares.

**CURRENT POSITION – PROPOSALS FOR DISCUSSION**

At present CCTV is not permitted in Hackney Carriage or Private Hire vehicles and if Members are minded to permit the use of CCTV it would be necessary to restrict its use in accordance with the draft policy attached as Appendix B to this report. If Members are so minded the draft policy would need to be adopted.

If Members are minded to adopt any or all of the proposed criteria revisions, a commencement date would need to be set.

**CONCLUSION**

Where other Local Authorities have implemented similar requirements they are satisfied that the inception of such measures led to a noticeable improvement in service to the travelling public.

The above proposals, if adopted, will provide considerable short, medium and long term benefits to the trade whilst enhancing the experience of travelling by taxi to both residents and visitors to the District, thus also helping to promote the image of Tendring as a tourist destination.

Whilst some proposals are able to be implemented reasonably quickly this is a long term project with some aspirations taking many years to fully achieve.

All of the proposed changes to the criteria for acceptance as a Hackney Carriage/Private Hire vehicle or driver in this report are supported by the taxi trade other than the proposal to introduce a standard design taxi for Tendring.

However, it is this requirement which is likely to provide the most publicly recognisable change. A seaside District with a distinctive and recognisable taxi will provide a focal point for discussion as well as other benefits. The main benefit will be to support the principle behind this report which is to encourage development of the taxi service in Tendring from a “trade” to a “profession”.

The main opposition to liveried and distinctive taxis was that the vehicle could not easily be switched to alternative uses and for domestic purposes.

**BACKGROUND PAPERS FOR THE DECISION**

None

**APPENDIX**

Appendix A Hackney Carriage/Private Hire New Proposals Letter sent to all licensed Drivers  
Appendix B Proposed CCTV Policy

^ND,CPOCCUP.LICASE;  
^ND,ADDRESS.LIAPPLICANT;

Licensing  
Westleigh House  
Carnarvon Road  
Clacton on Sea  
Essex CO15 6QF

Please ask for: Mr D O'Neill  
Tel: 01255 686590  
Fax: 01255 686343  
E-Mail: [doneill@tendringdc.gov.uk](mailto:doneill@tendringdc.gov.uk)  
Our Ref: DO/ST/^ND,PLATEREF.LICASE;

05 September 2011

Dear Sir / Madam

### **HACKNEY CARRIAGE / PRIVATE HIRE NEW PROPOSALS**

The vision for the Tendring District shared by the Council and its various partners in the community is for the District to be a vibrant, healthy and attractive place to live, work and visit. In pursuit of this vision the Council is currently reorganising internally, seeking to improve the services it delivers both directly and indirectly to the public.

The reason for writing to you is this includes activities licensed by the local authority.

Tendring District Council's Licensing Committee has re examined many long standing issues and is now seeking ways to improve the image of the taxi trade. The intention behind this is to enhance the travelling experience of both residents and visitors to the District and to improve opportunities for the taxi trade to increase business. This will require a willingness to review current practices and seek better ways of working, raising standards and meeting customer expectations both from within the taxi trade and the Council.

In order to achieve this as a first step the Council intends to amend the acceptance criteria for both drivers and vehicles. An officer/member working group has produced proposals which members of the Licensing Committee have agreed as suitable for consultation with the trade and other interested parties.

By working together it is hoped we will be able to promote and support tourism and economic growth for the benefit of all residents and businesses in the District.

Please look at the list of suggestions and proposals below and feedback responses to us by the date requested. Your views are important and further consultation will be organised to enable more detailed discussion to take place between the Council and the taxi trade.

**Please note that there will be a presentation on the above to be held at Council Chambers at the Council Offices, Weeley on Monday 26<sup>th</sup> September 2011 starting at 7pm to which you are accordingly invited to attend. Please notify the Licensing Office if you intend to attend.**

## HACKNEY CARRIAGE / PRIVATE HIRE NEW PROPOSALS

1. All new drivers are to obtain a BTEC, or it's equivalent, in passenger handling prior to making an application. **Agree**  **Disagree**
2. All new drivers are to pass a DVSA drivers test. **Agree**  **Disagree**
3. All new drivers are to pass an enhanced knowledge test. **Agree**  **Disagree**
4. Consider interviews for new applicants and prior questionnaire. **Agree**  **Disagree**
5. Character references to accompany new applications. **Agree**  **Disagree**
6. The introduction of positive publicity for taxis by means of ideas such as a "Best Driver/Best Taxi" competition, judged by Members, whereby the winner would receive a free vehicle/driver's licence and / or other suitable reward(s). **Agree**  **Disagree**
7. The introduction of a "higher quality award" for taxis with associated privileges. Seeking to transform the taxi business from a trade to a profession. **Agree**  **Disagree**
8. A minimum dress code. **Agree**  **Disagree**
9. Introduction of regular meetings with the trade. **Agree**  **Disagree**
10. Taxi news letter and regular customer engagement / consultation (public and taxi drivers). **Agree**  **Disagree**
11. Improved licence administration including MOT/Safety testing. **Agree**  **Disagree**
12. Partnership with Essex Police and other agencies providing intelligence on crime and to support vulnerable people. **Agree**  **Disagree**
13. New vehicles licensed by this authority to be of a standard design such as white with the bonnet and boot/rear panel coloured Tendingring Corporate green with the council crest to be displayed on the front doors of the vehicle. **Agree**  **Disagree**
14. The introduction of a knowledge test for all new Private Hire applicants. **Agree**  **Disagree**

If you have any comments or further ideas you wish to be considered then please complete the suggestion box overpage and return them to the Licensing Office **NO** later than the **22<sup>nd</sup> September 2011**.

*Continue overpage...*

COMMENTS AND SUGGESTIONS

If you have any queries please do not hesitate to contact my Enforcement Officer Darren O'Neill, on **01255 686590**.

Yours sincerely



ALAN TOLMIE  
**LICENSING OFFICER**

Please return to:  
Licensing Officer  
Tendring District Council  
Westleigh House  
Carnarvon Road  
Clacton on Sea  
Essex CO15 6QF



*Tendring*  
*District Council*



**Tendring District  
Council's  
Criteria on installation  
of CCTV in  
licensed vehicles**

Date of Approval by Tendring District Council:

## **Policy in connection with applications for Installation of CCTV systems in private hire and hackney carriage vehicles.**

### **General policy**

1. This policy applies to private hire, non-standard private hire, limousine and hackney carriage vehicles (referred to as “vehicles”).
2. The Licensing Authority will maintain an approved list of CCTV systems, which it has approved for installation in vehicles in accordance with this policy. Any individual may apply for any system to be placed on the approved list, however only those systems which meet the Minimum System Specification [see below] would normally be approved.
3. With effect from \* vehicle proprietors may, upon application for a new licence or for renewal of a current licence, as part of that application, request to install in the vehicle a CCTV system which appears on the Licensing Authority’s approved list.
4. Upon successful application for installation, such vehicle licences will be subject to additional conditions to ensure that such CCTV systems are appropriately installed and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.
5. This policy details the minimum standards that will normally be expected to be met before a CCTV system will be placed on the Licensing Authority’s approved list.
6. This policy should be read in conjunction with the attached guidance notes, which outline the application procedure, to be followed by an individual or organisation who wishes to obtain approval for a CCTV system, as well as from proprietors who wish to install such systems in their vehicles.
7. Whilst each case will be determined on its own merit the Licensing Authority will normally only place on its approved list CCTV systems which meet or exceed the Minimum Specification contained in this policy.

## Minimum System Specification

The following are the minimum criteria that the Licensing Authority would expect a CCTV system to meet in order for the system to be placed on the list of CCTV systems approved to be installed in vehicles. The system shall, as a minimum:

- Meet the current Information Commissioner data protection requirements.
- Be capable of date & time system identification stamping.
- Be capable of recording and storing images for a minimum period of fourteen days.
- Be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
- Be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
- Provide that images are only capable of being downloaded by authorised officers of the Licensing Authority and/or Essex Police.
- Provide that images are digitally encrypted. De-encryption software required to view the recorded images must be supplied to the Licensing Authority free of charge before the system is installed in the vehicle.
- Provide that the hard disk or data card is not able to be accessed by the driver or any other person travelling in the vehicle.
- Provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
- Provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- Provide that, where the system uses a DVD recorder, the system is protected from shock.
- Any system must be marked with the EMC [Electro Magnetic Certification], which signifies that it meets the European Industry Standard.

- Provide that activation of the system shall be via the vehicle's ignition system (or alternative method approved by the Licensing Authority) and that recording shall continue 15 minutes after the ignition is switched off. The system will not be provided with any other on/off mechanism that is accessible to the driver or any passenger.

### **Application Process for a CCTV system to be approved by the Licensing Authority**

1. An individual or organisation who wishes to apply to the Licensing Authority for the approval of a CCTV system must apply in writing for a particular make and model of CCTV system to be placed on the approved list.
2. The applicant must provide evidence that the product complies with the Licensing Authority's minimum recommended specification.
3. Once the system has been approved the Licensing Authority will issue the applicant and the manufacturer (where the manufacturer is not also the applicant) written confirmation, and include the system on the approved list. If the system is not approved the Licensing Authority will issue the applicant notification of the same and the reasons for the decisions.
4. Each approved system will be given a unique identification number, which must be quoted on an application for permission to install CCTV in a vehicle.
5. System approval will be required for each new product or any modification to an existing approved product.

### **Conditions to be attached to private hire, non-standard private hire, limousine and hackney carriage vehicles**

1. No CCTV system shall be installed in a vehicle unless it has previously been approved by the Licensing Authority.
2. No CCTV system shall be installed in a vehicle without the prior written consent of the Licensing Authority.
3. No cameras shall be installed in the vehicle without prior written consent from the Licensing Authority as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the Licensing Authority.

4. An advisory notice, provided by the Licensing Authority, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
5. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by authorised officer of the Licensing Authority and/or Essex Police.
6. Upon request for image retrieval by an officer of the Licensing Authority or a police officer the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 7 days of the request.
7. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
8. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.