

# APPENDIX C

Hackney Carriage and Private Hire Licensing Policy Consultation Responses			
Name	Comment	Response	Policy Amended Y/N
Trade Member Comments	Spare wheels, many of the leading electric vehicle companies are now not fixing the option to have a spare wheels carried on a vehicle, but suggest and supply alternatives such as tire filler or better alternatives (solid state tires) on materials used to keep wheels to a high road standard. As well as an option to be able to complete a drive then get the issue sorted.	Appendix A Condition 9 and Appendix B Condition 9 allow for alternatives to a spare wheel when not provided	N
Trade Member Comments	MOT Checks for electric vehicles, is this to be kept the same for 5 years, and kept to the same checks as regular ICE vehicles ( petrol, diesel ) as a-lot will be subject to tests that wont be in need necessarily on all new vehicles arriving from 2023 - 2028 and behind.	Yes, unless there is a significant change in law relating to MOT's for electric vehicles. All licensed vehicles must be mechanically suitable for use as a Licensed vehicle and the Licensing Authority must be satisfied of this. The requirement for MOT's to be provided is for all licensed vehicles.	N
Trade Member Comments	Taxi sign on the roof, it does go against fuel economy a little, having it on the roof can increase fuel consumption (whilst on the go) any other suggestions might be a good idea, ( such as stickers, ones that come up just before driving, or suction, or magnets with a cable (safety attachment wire)	Para 7.31 of Policy explains why HC vehicles must have a roof box and why PH vehicles are prohibited from having roof signs	N
Trade Rep Comments	3.8 : For clarity, please define "adequate time."	On renewal letters there is a date to be received by to ensure Officers have enough time to process all application in. This would be in adequate time when received prior this date.	N
Trade Rep Comments	3.9 : For clarity, please define "late."	As above, "Late" would be after this date	N
Trade Rep Comments	7.18 : Can you elaborate on your pricing structure please?	This has not been set, this gives the Council the option when setting the budget to offer reduced licence fees to encourage vehicles that would be better for the environment.	N
Trade Rep Comments	7.28 : "All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card annually and the operation of the roof sign.." How/where are we to do this, and how will any due costs get covered?	This annual check will occur at the renewal appointments when the vehicle is plated.	N
Trade Rep Comments	7.35 : Please define "contract work." I would assume it means where the client is set up with an account with the PHO and billed periodically on account as opposed to paying per journey on arrival at the destination, but please clarify.	Contract work – this is where you enter into a contract to work for a specific person/company (eg film studios, BBC) and wish to apply for an exemption from displaying your Rear TDC issued Licence plate. Section 75 LG(MP)A 1976 provides the legal requirements for contract work.	N
Trade Rep Comments	7.35 : The display of the clumsy windscreen plate would entirely defeat the purpose of plate exemption, and seems an unnecessary requirement to introduce. Please consider revising this requirement, on the basis that the vehicle would at all times have all licence documentation including plate stored and available for inspection as requested by either authority or client.	S75 LG(MP)A 1976 covers the exemption to display plates (internal and external), discs or notices when requested and upon receipt of confirmation that the vehicles is under a contract of hire for a period of not less than 24 hours.	Yes - Rear plates is to be kept in the boot compartment and the window licence is to be kept in the glovebox.
Trade Rep Comments	8.34 : Will you remind us of this in time, and point us in the direction of where to attain the certificate? Presumably we'll all have to do this when first renewing after the policy goes live, as unlike the safeguarding, this is a new requirement, I think?!	Information will be circulated on where this can be obtained once this requirement is introduced. There will be a period of time that drivers are expected to complete this by.	N
Trade Rep Comments	9.23 : Should this begin with "If premises are open to the public" ? I mean I'm looking to run a one man operator/driver/vehicle setup with cloud-based admin via 1 x laptop, 1 x phone. Would you reject my application if I'd not been to the planning department? Or is this simply saying "we're not going to ask, but it's on your head to be compliant if applicable" ?	Planning is not part of licensing, it is expected that the operator seeks the advice of planning to ensure they are in compliance regardless of the scale of the operator. If planning permission is required the applicant would need to provide proof of this prior to an Operator's licence being granted. Likewise if no planning permission is required. Use of a private dwelling does not necessarily exempt the requirement of planning permission. It may also need to be assessed by the Valuation Office Agency in respect of Business Rates as it would no longer be a purely domestic dwelling.	N
Trade Rep Comments	9.25 : In this day and age if a PHO's books are entirely cloud-based, those records are no more at their registered address than anywhere else in the world. They could share their information with you digitally. Geographical constraints seem pointless under these circumstances, especially if the PHO's books (laptop) are actually with them in the vehicle and not at the address at time of asking. Please review the need for this requirement.	This is set awithin legislation. It is expected that Officers are able to visit Operator bases, regardless of whether it is open to the public or a residential address, to inspect records and processes. Case law exists in respect of an Operators base and the requirements for this to be licensed - Dittah v Birmingham City Council; Choudhry v Birmingham City Council; Murtagh v Bromsgrove District Council and Shanks v North Tyneside Borough Council	N

Trade Rep Comments	9.25 : What about renewals? If I had PHO, PHD and PHV with you and then moved to a neighbouring borough would I be prevented from renewing PHO with you, and therefore PHD and PHV also, as they must all be from the same authority?	As above, Tandridge do not control this requirement. All PH licences must be held by the same Council. If an Operator moved their base outside of the area they could no longer be licensed by TDC and would need to apply for all three licences in their new area of abode.	N
Trade Rep Comments	Appendix A, 4 : see my notes for 7.28	This annual check will occur at the renewal appointments when the vehicle is plated.	N
Trade Rep Comments	Appendix A, 7 : see my notes for 7.28	Should there be any query that the meters are not set correctly or have been altered, Officers can check the meter in motion/waiting time.	N
Trade Rep Comments	Appendix A, 9 : "a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle." Surely this is not required if using the tyre inflation kit method? Please confirm.	Appendix A Condition 9 and Appendix B Condition 9 allow for alternatives to a spare wheel when not provided	N
Trade Rep Comments	Appendix A, 20 : "At least one legible no-smoking sign must be displayed in the vehicle." Surely this is legacy policy. It has been illegal to smoke in taxis for 16 years now. Even drunk people have long understood this. As this is a point in time when we are updating policy we can do away with these stickers?	Tandridge do not control this requirement, this is part of the Smoking legislation for all businesses including vehicles to display signage.	N
Trade Rep Comments	Appendix A, 44 : "Such records shall be maintained and held for a period not exceeding 12 months." Should that not read "...not less than 12 months" ?	No	N
Trade Rep Comments	Appendix B, 1 : see my notes for Appendix A, 1	See above	N
Trade Rep Comments	Appendix B, 4 : see my notes for 7.28	See above	N
Trade Rep Comments	Appendix B, 7 : see my notes for 7.28	See above	N
Trade Rep Comments	Appendix B, 9 : see my notes for Appendix A, 9	See above	N
Trade Rep Comments	Appendix B, 11 : refers to Hackney Carriage / public hire. Is not relevant to Appendix B	Agreed	Y - Policy amended to reflect Private Hire only
Trade Rep Comments	Appendix B, 14 : see my notes for 7.35	See above	Yes - Rear plates is to be kept in the boot compartment and the window licence is to be kept in the glovebox.
Trade Rep Comments	Appendix B, 20 : see my notes for Appendix A, 20	See above	N
Trade Rep Comments	Appendix D, 13 : Given that we are all now required to subscribe to the DBS update service, are we not at all times covered by an up-to-date DBS certificate?	This is in relation to operators. If they hold a driver licence then they would already have a DBS. Operators are not required to have an Enhanced DBS and therefore cannot sign up to the update service.	N
Trade Rep Comments	Appendix D, 16 : Can you explain this please? I'm not sure what it means.	Individuals may not meet the Councils standard to hold a driver licence and may choose to work in for an operator in another capacity (eg Call handler). The operator must have a policy to state their requirements of anyone with a conviction.	N
Trade Rep Comments	Appendix E, 3 : "...give his or her name and badge number and also the name and address of the vehicle proprietor" Really?? Picture the scene where a female taxi driver is asked her address by a bloke full of beer. Surely so long as they have contact details for the council for any complaints, that will suffice, and would be more appropriate? It should go without saying that I would expect the council to not be handing out my address to the general public either. I'm entirely uncomfortable with this condition. Please reconsider it while still drafting.	Every vehicle licence must contain the proprietors name and place of abode in accordance with S41 TPCA 1847, which then must entered into a register in accordance with S42 TPCA 1847	N
Trade Rep Comments	Appendix E, 10 : not that I smoke, but does this include being stood next to your vehicle while dormant at a rank?	No - as the driver is outside of the vehicle, they are not necessarily in control of the vehicle	N
Trade Rep Comments	Appendix E, 16 : sometimes this is not practical, i.e. in extremely hot or cold weather we will want our air conditioning running, therefore engines running. Is my modern car's engine too noisy when running at idle?!	Prevent being a nuisance, noise and unnecessary pollution. Should a complaint be received it would be assessed on a case by case basis, with mitigating circumstances being considered in determining the appropriate course of action.	N

Trade Rep Comments	Appendix G, 31 : "Carrying person other than hirer without consent" Does this mean kidnap?! If so, I'm sure it would warrant more than 6 penalty points. Please explain.	This is in relation to ride sharing. For example, you have a pick up from a bar and receive a similar journey from that bar to a similar drop off location. If you had consent of the passengers you can take both of them even though they do not know each other. However say the first passenger does not consent but you tell the other person it is okay. You do not have the consent of the hirer. Another example is, if you have say a friend/family member in the car (don't know why you would) and you arrive to pick up a passenger – that other person has not been checked by the Council and it is a risk to the passenger.	N
Trade Rep Comments	Appendix H : "You should not... give a vulnerable passenger your personal mobile number for any reason" Many of our customers could be categorised as vulnerable, and need our mobile numbers for obvious reasons. Please advise.	This appendix is to provide information on what you should and should not do. This is for the purpose of safeguarding you as drivers and to provide you advice. You should act in a professional manner as anything other could be misconstrued by a vulnerable passenger.	N
Trade Rep Comments	Appendix H : "You should not... befriend passengers on Facebook or other social media" Really? Social media is a good way of staying connected, and cementing the legitimate relationships we have with our clients. Please reconsider.	As above	N
Trade Rep Comments	Appendix H : " If a passenger falls, do NOT try to catch them." This troubles me.	This section is advice. The sentence prior to this read "Some other tips". If you try to catch someone that falls this can lead to injury to yourself and it could result in further injury to them. You could also be held liable if you try to intervene and cause the fall to be worse.	N
Trade Rep Comments	Appendix L,2 : see my notes for Appendix H	As above	N
Trade Rep Comments	Appendix L : "Drivers should not... Smoke, vape/use e-cigarettes, eat or drink in the vehicle." Surely this should be reworded to allow non-smelly food/drink while not driving. e.g. Can I not take a sip of water and an apple while parked at a rank, or on holiday in Cornwall with my son?	As a previous comment relates to stood by a vehicle to smoke (App E 10 above) a person may step outside of their vehicle to smoke/vape/consume food and/or drink	N
Trade Rep Comments	Appendix L : "Drivers should not... Take photographs (other than images captured on and approved vehicle CCTV system) of passengers even if it is at their request." Strange rule. I have been booked to take someone in the near future to some local stables, wait and return, whereby I have been asked to photograph them horseback while there. Fortunately this will take place before this consultation has concluded. But really?? Please consider revising.	This is in relation to the driver using their own phone/camera to take photo's of the passenger(s). This is for the purpose of safeguarding you as drivers and to provide you advice. You should act in a professional manner as anything other could be misconstrued particularly by a vulnerable passenger.	N
Trade Rep Comments	Appendix L : "Drivers should not... and should at no time provide any form of gift or gratuity, no matter how small or invaluable." Every Christmas I like to provide my most prolific two or three customers with a token of my appreciation for their business, i.e. a panettone cake. I'm not listing it as a business expense for tax purposes. Seems like good wholesome business practice to me. Please advise.	This is for the purpose of safeguarding you as drivers and to provide you advice. You should act in a professional manner as anything other could be misconstrued particularly by a vulnerable passenger.	N
Trade Rep Comments	Appendix L : "taxi ranks (official or unofficial ranks)" Please explain the difference between official and unofficial ranks, so I can be clear if I am at an unofficial rank or simply not at a rank.	An unofficial rank is a taxi rank that has not been adopted by the Council. For example, when Lingfield racecourse setup their taxi rank on event nights.	N
Trade Rep Meeting	Age Limits for Wheelchair Accessible vehicles - under 6 years old at first licence penalises the trade as these are expensive and should be different.	Not agreed - raised by one member of the Trade Representatives not by any other consultee and no alternative put forward by the trade	N
Trade Rep Meeting	Seatbelts - Policy to be clear in respect of this for child use etc	This is covered under separate legislation - The Motor Vehicles (Wearing of Seat Belts) Regulations 1989 with specific reference to Taxi's and Private Hire Vehicles	N
Trade Rep Meeting	Plate Exemption for Chauffeur work - why does the internal plate need to remain on display?	S75 LG(MP)A 1976 covers the exemption to display plates (internal and external), discs or notices when requested and upon receipt of confirmation that the vehicles is under a contract of hire for a period of not less than 24 hours.	Yes - Rear plates is to be kept in the boot compartment and the window licence is to be kept in the glovebox.
Trade Rep Meeting	Appendix E - Point 3 as detailed above	Every vehicle licence must contain the proprietors name and place of abode in accordance with S41 TPCA 1847, which must entered into a register in accordance with S42 TPCA 1847	N