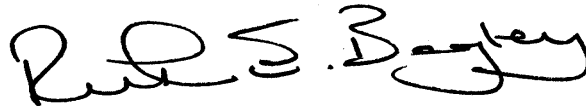


Date of issue: 12<sup>th</sup> October, 2016

<b>MEETING</b>	<b>LICENSING COMMITTEE</b> (Councillors Davis (Chair), Cheema, Coad, Parmar, Qaseem, Rasib, A Sandhu, Shah, Sohal, Strutton and Wright)
<b>DATE AND TIME:</b>	THURSDAY, 20TH OCTOBER, 2016 AT 6.30 PM
<b>VENUE:</b>	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
<b>DEMOCRATIC SERVICES OFFICER:</b> (for all enquiries)	TERESA CLARK 01753 875018

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**RUTH BAGLEY**  
Chief Executive

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	<b>CONSTITUTIONAL MATTERS</b>		
1.	Declarations of Interest		

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

*All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.*

*The Chair will ask Members to confirm that they do not have a declarable interest.*

*All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.*

- |    |  |       |  |
|----|--|-------|--|
| 2. | Guidance on Predetermination/ Predisposition - To Note | 1 - 2 |  |
| 3. | Minutes of the Last Meeting held on 8th June, 2016     | 3 - 4 |  |

**PART II**

- |    |   |  |  |
|----|---|--|--|
| 4. | Date of Next Meeting<br><br><i>22<sup>nd</sup> November, 2016</i> |  |  |
|----|---|--|--|

**LICENSING ISSUES**

- |     |   |         |     |
|-----|---|---------|-----|
| 5.  | Dress Code for Private Hire and Hackney Carriage Drivers  | 5 - 10  | All |
| 6.  | Amendment to the wording of the 'No Sexual Contact' Condition for Private Hire and Hackney Carriage Drivers | 11 - 14 | All |
| 7.  | Guidelines for Installation of Audio and Visual Equipment in Licensed Vehicles (CCTV)                       | 15 - 30 | All |
| 8.  | Revised Policy for Tinted Windows/ Privacy Glass in Private Hire and Hackney Carriage Vehicles              | 31 - 44 | All |
| 9.  | Private Hire and Hackney Carriage Drivers Charter   | 45 - 50 | All |
| 10. | Members Attendance Record   | 51 - 52 |     |

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

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## PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Licensing Committee – Meeting held on Wednesday, 8th June, 2016.**

**Present:-** Councillors Davis (Chair), Cheema, Usmani, Wright, Parmar, Rasib, A Sandhu and Strutton

**Apologies for Absence:-** Councillor Sohal

**PART 1**

**1. Declarations of Interest**

None.

**2. Guidance on Predetermination/ Predisposition - To Note**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

**3. Minutes of the Last Meeting held on 23rd March 2016**

**Resolved -** That the minutes of the last meeting, held on 23<sup>rd</sup> March, 2016, be approved as a correct record.

**4. Appointment of Licensing Sub-Committee and Designated Chairs**

The Senior Democratic Services Officer introduced a report seeking nominations for the appointment of Designated Chairs to the Sub-Committee for the 2016/2017 municipal year.

It was confirmed that the members of the Sub-Committee were drawn from the membership of the Licensing Committee on a proportional basis (2 Labour, 1 conservative). A Member questioned why all three Designated Chairs should be Labour appointments and was advised that this had been agreed in previous years. It was agreed that this could be reviewed through the relevant process/ constitution.

**Resolved –**

- (a) That a Licensing Sub-Committee (drawn from the Members of the Licensing Committee) be established as required on a proportional basis (2 Labour 1 Conservative) with terms of reference as set out in the appendix.
- (b) That Councillors Davis, Rasib and Parmar be appointed as designated Chairs of the Sub-Committee for the 2016/2017 Municipal year.

**Licensing Committee - 08.06.16**

**5. Date of Next Meeting**

The date of the next meeting was confirmed as 20<sup>th</sup> July, 2016.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 6.45 pm)



**SLOUGH BOROUGH COUNCIL****REPORT TO:** Licensing Committee **DATE:** 20<sup>th</sup> October 2016**CONTACT OFFICER:** Michael Sims - Licensing Manager  
**(For all Enquiries)** (01753) 477387  
Ginny de Haan – Head of Consumer Protection and  
Business Compliance  
(01753 477912)**WARD(S):** ALL**PART I****FOR COMMENT AND DECISION****DRESS CODE FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS**1. **Purpose of Report**

For the Committee to consider and comment on a Dress Code for Private Hire and Hackney Carriage drivers.

2. **Recommendation**

The Committee is requested to either:

(a) Approve the Dress Code as proposed, or

(b) Amend and approve the Dress Code as it sees fit in light of the responses to the consultation.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

As the report outlines the Council does not have in place a formal dress code other than a specific condition of tidiness which is – The driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner.

The appearance of licensed drivers can create a lasting impression on visitors and the local fare paying public in general. Portraying a professional image is good for business and good for the Borough of Slough.

Whilst the Authority does not wish to impose such standards by way of conditions to any licence, it expects however, that such standards will be maintained at all times.

3a. **Slough Joint Wellbeing Strategy Priorities –**

The proposal of a dress code will contribute to the following wellbeing priorities:

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

Approving the introduction of a dress code portray a professional image of the licensed trade and will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines the reasons for the introduction of a dress code. This will contribute to the Five Year Plan with the specific outcome of :

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) Financial

There are no financial implications involved in the proposed action.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	It is important that all licensed private hire and hackney carriage drivers dress in a manner that presents a professional image.	Although the Authority does not wish to impose a dress code as conditions, it expects that dress standards will be maintained at all times.

(b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An Equality Impact Assessment has been completed following the original proposals and after consultation with the licensed trade, that indicates that there is no negative or adverse impact on any individual or any equality group.

5. **Supporting Information**

- 5.1 The appearance and dress of licensed drivers can create a lasting impression on visitors and the local fare paying public in general. This portrays a professional image which is good for business and good for the image of the Borough of Slough.

- 5.2 The Council currently only has one specific condition in place for tidiness of licensed drivers which is:

*The driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner.*

- 5.3 The Authority is committed to encouraging the professional image of the private hire and hackney carriage trade and the drivers should conform to a minimum standard of dress in order to raise and maintain the professional profile of the licensed drivers. Whilst the Authority does not wish to impose such standards by way of conditions to any licence, it expects that such standards will be maintained at all times.

- 5.4 In doing so, a dress code has been prepared for approval which is attached at **Appendix A.**

- 5.5 The dress code was subject to initial consultation with representatives of the Slough Private Hire Drivers Association and the Slough Taxi Federation on 9<sup>th</sup> August and 11<sup>th</sup> August 2016 respectively who were supportive of the proposal for a dress code other than comments in relation to footwear which was amended prior to the full consultation from *'Footwear should fit around the heel of feet'* to 'Shoes or smart trainers that cover the whole of the foot'. There were also comments in relation to Section 4 of the dress code – **Faith or Religious Clothing**. The comments on this area are detailed in the responses to the consultation. A full consultation was conducted with all licensed private hire and hackney carriage drivers and Operators between 15<sup>th</sup> August 2016 and 16<sup>th</sup> September 2016. All responses to the consultation from the initial meetings and full consultation are detailed at **Appendix B.**

- 5.6 In considering the responses to the consultation and approving the introduction of a dress code the Committee should have regard to having a balance between drivers presenting a professional image for the Borough, without impacting on an individual's freedom to wear clothes that are not too prescriptive.

## 6. **Comments of Other Committees**

None

## 7. **Conclusion**

The Committee is requested to consider the response to the consultation and either approve the dress code as proposed or amend the dress code as it sees fit.

## 8. **Appendices Attached**

'A' - Proposed Dress Code

'B' - Responses to the consultation

## 9. **Background Papers**

None

## **Dress Code for Private Hire and Hackney Carriage Drivers**

The Authority is committed to encouraging the professional image of the Private Hire and Hackney Carriage trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade. Whilst the Authority does not wish to impose such standards by way of conditions to any licence, it expects however, that such standards will be maintained at all times.

### **General**

- Drivers shall pay particular attention to their personal hygiene and dress so as to dress appropriately and present a professional image to the public.

### **Acceptable Standards of Dress within this code Conditions**

#### **(1) Tops**

- Shirts, blouses, T-shirts, polo shirts, or sweat tops should cover the shoulders and be capable of being worn inside skirts, trousers or shorts.
- Shirts or blouses can be worn with a tie or open-necked.

#### **(2) Trousers/Shorts/Skirts/Dresses**

- Trousers may be either full length or [shorts if tailored].
- Female drivers should not wear inappropriately short skirts or dresses.
- Smart jeans type trousers permitted.

#### **(3) Footwear**

- Shoes or smart trainers that cover the whole of the foot.

#### **(4) Faith or Religious Clothing**

- Clothing worn for faith or religious purposes is permissible.

### **Examples of Unacceptable Standards of Dress within this Code**

- Bare chests
- Unclean, soiled or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- [Sport wear promoting sports teams]
- [Clothing with studs or sharp edges]
- Beach type footwear (e.g. Flip Flops and mules)
- Baseball caps or 'hoodies'
- [Tracksuits] or shell suits
- Clothing which is transparent or worn so as to reveal undergarments

**APPENDIX B**

<b>Response Comment</b>	
PHDA said on first reading its fine and appears to be standard for all companies anyway; they will come back to us once they've had a further reading.	Meeting with Slough Private Hire driver Association meeting on 9/08/2016
Suggested amendment to footwear wording and said not happy with 'faith clothing'. Expanded by saying some people wear faith clothing as pyjamas to sleep in and then wake-up and go straight out to work as HCD without washing or changing their clothes so they are smelly, dirty and unkempt.	Meeting with Slough Taxi Federations on 11/08/2016  <i>(In response MS/MJS will consider re-wording footwear but personal hygiene is covered elsewhere in the code/charter).</i>
Dress code > We agree with standards of dress code. > We DO NOT agree with religious clothes been worn. This should not be included as you are aware of the GWR dress code does not allow it. We need to maintain high standard and look like we are working. Turbans are permitted, as compulsory for Sikh faith allowed in army, police.	Member of Hackney Carriage Trade
We would like to update you with our most recent contract with GWR.  Please take this into account when deciding upon dress code.	Member of the Slough Taxi Federation

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee **DATE:** 20<sup>th</sup> October 2016

**CONTACT OFFICER:** Michael Sims – Licensing Manager  
**(For all Enquiries)** (01753) 477387  
 Ginny de Haan – Head of Consumer Protection and  
 Business Compliance  
 (01753 477912)

**WARD(S):** ALL

**PART I****FOR DECISION****AMENDMENT TO THE WORDING OF THE ‘NO SEXUAL CONTACT’ CONDITION FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS****1. Purpose of Report**

For Members to approve the proposed amendments to the ‘No sexual contact’ condition (previously approved in 2010).

**2. Recommendation(s)/Proposed Action**

The Committee is requested to resolve the approval of the amended wording of the ‘No Sexual Contact’ Condition, as set out in Para 5.4 of the report (previously approved in 2010).

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The role of the licensing authority is the protection, safety and wellbeing of the public.

The original ‘No sexual contact’ condition was approved by the Licensing Committee on 3<sup>rd</sup> November 2010. Since that date there have been a number of complaints made by female passengers to the Licensing Team and to the Police that drivers have been telephoning them on their mobile phones making unwarranted verbal sexual advances and inappropriate comments.

Approving the proposed amended wording to the condition will go further in protecting vulnerable persons, particularly women travelling in licensed Private Hire and Hackney Carriage vehicles.

**3a. Slough Joint Wellbeing Strategy Priorities**

As the protection, safety and wellbeing of the public is paramount the proposed amended wording of the ‘No sexual contact’ condition will go further to ensure that drivers do not initiate or engage in any dialogue of ‘sexual nature’ with any passengers in particular female passengers.

The approval of the amended wording will contribute to the wellbeing priority of:

- Safer Communities

Cross-Cutting themes:

The approval of the amended wording of the condition will also contribute to the cross cutting theme of **Improving the image of the town**.

3b. **Five Year Plan Outcomes**

The report outlines that the original condition was approved by the Licensing Committee in 2010 at the request of the Thames Valley Police Public Vulnerable People Strategy Unit.

The approval of the amended wording of the condition will therefore contribute to the Five Year Plan.

The specific Five Year Plan Targets are:

- Slough will be one of the safest places in the Thames Valley
- Children and young people in Slough will be healthy, resilient and have positive life chances

4. **Other Implications**

(a) **Financial**

“There are no financial implications of proposed action”.

(b) **Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
From section 2 above	Approving the proposed amended wording to the condition will assist in protecting vulnerable persons, particularly women travelling in licensed private Hire and hackney Carriage vehicles.	Nil

(c) **Human Rights Act and Other Legal Implications**

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.



(d) Equalities Impact Assessment

An Equality Impact Assessment was completed in 2010 which highlighted that there was no evidence of any adverse or negative impact of opportunity for any equality group or for any other reason. The amended wording of the condition is not a significant change, it goes further to protect vulnerable persons, particularly women travelling in licensed Private Hire and Hackney Carriage vehicles and there is no impact on any licensed driver.

5. **Supporting Information**

- 5.1 On 3<sup>rd</sup> November 2010 the Licensing Committee approved a new 'No sexual contact' condition for all licensed Private Hire and Hackney Carriage drivers as follows:

*"Licensed drivers may not initiate any dialogue of a sexual nature with a passenger. Licensed drivers are not permitted to become involved sexually or have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle".*

Nearly all other local authorities in the Thames Valley Police area also adopted the condition in the same or similar wording.

- 5.2 The original condition, as previously approved which was subject of a full consultation with all driver and operator licence holders, was originally requested by the Thames Valley Police Public Vulnerable People Strategy Unit who at the time were running a campaign across the whole Thames Valley Police area to include a specific condition for all drivers to refrain from any activities of a sexual nature in licensed vehicles. The reason for this was that where drivers are accused of sexual assaults, the most frequent defence was that the passenger consented to the activity. In order that drivers could not use this defence, it was recommended that the licence conditions were amended so that any driver who puts forward this defence is in breach of the licence condition and may have his licence revoked.
- 5.3 Since the introduction of the 'No sexual contact' condition there have been a number of complaints made to the Licensing Team and the Police that drivers have been telephoning them on their mobile phones making unwarranted verbal sexual advances and comments with 6 complaints in the last 2 years.
- 5.4 In light of the above, the revised 'No sexual contact' condition to be approved has been amended as follows:

*"Licensed drivers shall not initiate, respond to, or engage in any dialogue of a sexual nature with a passenger, including communication by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved sexually or have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle".*

The purpose of the amended wording is to ensure that drivers do not initiate or engage in any dialogue of 'sexual nature' with any passengers..

5.5 Consultation on the wording of the amended condition has not been carried out as legal advice has confirmed that the amended condition is not deemed to be a significant change, it goes further to protect the safety and wellbeing of the public including vulnerable persons and female passengers and there is no adverse impact on the licence holders. However all licensed Private Hire and Hackney Carriage drivers were written to on 15<sup>th</sup> August 2016 as part of a consultation on other matters, advising them of the amended wording.

6. **Comments of Other Committees**

The original condition was approved by the Licensing Committee on 23<sup>rd</sup> November 2010.

7. **Conclusion**

The Committee is requested to resolve the approval of the amended wording of the 'No sexual contact' condition

8. **Appendices Attached**

None

9. **Background Papers**

'1' - Equality Impact Assessment

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee                      **DATE:** 20<sup>th</sup> October 2016

**CONTACT OFFICER:** Michael Sims - Licensing Manager  
**(For all Enquiries)** (01753) 477387  
Ginny de Haan – Head of Consumer Protection and  
Business Compliance  
(01753 477912)

**WARD(S):** ALL

**PART I**

**FOR CONSIDERATION AND DECISION**

**GUIDELINES FOR INSTALLATION OF AUDIO AND VISUAL EQUIPMENT IN LICENSED VEHICLES (CCTV)**

1. **Purpose of Report**

For Members to consider the proposals for Guidelines for the installation of CCTV in licensed vehicles.

2. **Recommendation**

That the Committee is requested to approve the Guidelines for a licence holder wishing to install CCTV in a licensed vehicle.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

It is recognised that CCTV in licensed vehicles can assist in the prevention of crime and disorder, and can be a useful tool when investigating offences. However, the Information Commissioners Office has clearly stated that any compulsory or mandatory requirement for CCTV in licensed vehicles may be contravention of Article 8 the European Convention of Human Rights and a breach of the Data Protection Act.

Having said that, each local authority is under a duty to ensure that there is appropriate guidance in place for those licensed vehicle proprietors wishing to install CCTV in their vehicles.

3a. **Slough Joint Wellbeing Strategy Priorities –**

The approval of the Guidelines on CCTV in licensed vehicle will provide the necessary advice regarding the vehicle proprietors responsibility to comply with the ICO – Codes of practice.

The approval of the Guidelines will contribute to the wellbeing priorities of:

- Economy and Skills

- Safer Communities

Cross-Cutting themes:

The approval of the Guidelines will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines the reasons for the Guidelines on CCTV in licensed vehicles and of the advice by the ICO on making this a mandatory requirement.

The approval of the Guidelines will contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley.

4. **Other Implications**

(a) Financial

There are no financial implications involved in the proposed action.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	Approving the proposed new policy will ensure that where vehicle proprietors have CCTV installed in their vehicle they will comply with the ICO's Codes of Practice.	The guidelines are only advisory for vehicle proprietors as there is no mandatory requirement in place for CCTV in licensed vehicles.

(b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An Equality Impact assessment has been completed which shows no adverse or negative impacts of opportunity for any equality group or for any reason.

## 5. **Supporting Information**

- 5.1 CCTV must comply with the Data Protection Act 1998 which regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. The installation and operation of in-vehicle CCTV must comply with the requirements of the Information Commissioner's Office (ICO) CCTV Code of Practice. This includes registration with the ICO (this is an annual registration with a fee), ensuring that recorded images are securely stored on the system, and displaying appropriate signage within the vehicle notifying passengers of the presence of CCTV. Continuous audio recording (of passengers' conversations) in licensed vehicles is not permitted in licensed vehicles, as it is considered disproportionate by the ICO and First Tier Tribunal.
- 5.2 Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to do all that it reasonably can to prevent crime and disorder in its area. Whilst CCTV can of course assist in the prevention of crime and disorder, and can be a useful tool when investigating offences, the issue of making CCTV compulsory or mandatory must be evidenced and fully justifiable.
- 5.3 There are several other important matters in terms of in-vehicle CCTV. Licence holders must not download any images onto any kind of portable media device (such as CDs or memory sticks) for the purpose of general storage outside the vehicle. Further, the images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen as recommended by the ICO.
- 5.4 The best practice guidance on driver and vehicle licensing issued by the Department for Transport in February 2010 refers to personal security and the use of CCTV in vehicles. For Members' information the guidance states;

*'The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passengers' ability to communicate with the driver. CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures, for example from community safety partnerships, local authorities, and drivers themselves.'*

- 5.5 Some local authorities have implemented a mandatory requirement for CCTV in licensed hackney carriage and private hire vehicles, which resulted in intervention by the ICO's office with notices being served, as this could be a breach of the Data Protection Act. Two such councils are Oxford City and Southampton City.
- 5.6 With regard to mandatory or blanket conditions for CCTV in licensed vehicles, the ICO stated that the decision came down to the essential question of whether the

councils policy was in contravention of Article 8 of the European Convention of Human Rights and whether the policy was justified as a proportionate mean of achieving a legitimate aim.

5.7 The ICO has stated that section 1.5 of the ICO – Codes of Practice talked about the responsibilities of a local authority when exercising licence conditions. The ICO has also stated that local authorities are relevant authorities and must show the code due regard. If surveillance camera systems are to be mandated as part of the conditions of the licence, then it will require a strong justification and must be kept under constant review.

5.8 A copy of a speech by the Surveillance camera Commissioner to the National Taxi Association AGM is attached at **Appendix A**. A copy of a similar article also covering the Surveillance Camera Commissioner's speech is attached at **Appendix B**.

5.10 In light of the advice by the ICO, local authorities should ensure that there is appropriate guidance in place for those licensed vehicle proprietors wishing to install CCTV in their vehicles.

5.11 There is no evidence from this local authority that there is strong justification for mandatory or compulsory installation of CCTV in licensed vehicles.

5.12 As such, the vehicle proprietors, if wishing to install CCTV in their licensed vehicles are under a legal duty to comply with the ICO's Code Practice. Ultimately the responsibilities are theirs, therefore this guidance will ensure that this local authority provides all advice and guidance to ensure that the vehicle proprietors comply the ICO's Code of Practice. A copy of the proposed Guidelines for Installation of Audio and Visual Recording Equipment in Licensed Vehicles (CCTV) is attached at **Appendix C**.

5.13 Although a formal consultation was not carried out as these are guidelines and not formal policy, all private hire and hackney carriage drivers and operators were written to as part of a consultation process on other matters and were provided with information on and a copy of the proposed guidelines for the installation of CCTV in licensed vehicle.

## 6. **Comments of Other Committees**

None.

## 7. **Conclusion**

Taking into account the comments by the Surveillance Camera Commissioner and the ICO Codes of Practice the Committee is requested to approve the Guidelines for licence holders wishing to install CCTV in licensed vehicle.

## 8. **Appendices Attached**

'A' - Copy of Surveillance Camera Commissioners Speech to the National Taxi Association AGM

'B' - Extract from Local Government Lawyer relating to CCTV in Taxis.

'C' - Guidelines for Installation of Audio and Visual Recording Equipment in Licensed vehicles

**9. Background Papers**

None.

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## Speech Surveillance Camera Commissioner's speech to the National Taxi Association AGM

**From:** Surveillance Camera Commissioner  
(<https://www.gov.uk/government/organisations/surveillance-camera-commissioner>) and  
**Tony Porter** (<https://www.gov.uk/government/people/tony-porter>)  
**Delivered on:** 26 October 2015 (Speaker's notes, may differ from delivered version)  
**Location:** Manchester  
**First published:** 25 November 2015

The commissioner's speech to the National Taxi Association's AGM on 26 October 2015, in Manchester.



Good morning and thank you to the organisers of the National Taxi Association for inviting me here today to speak to you. As you will know one of my responsibilities is encouraging compliance with the Surveillance Camera Code of Practice

(<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>) – it was launched by the Home Office just over 2 years ago in June 2013.

Before I get into the use of CCTV in taxis I thought it would be useful to tell you a bit about my role:

- it was created under the Protection of Freedoms Act 2012
- I was appointed by the Home Secretary but am independent from government
- I'm entrusted to ensure that surveillance camera systems are used to support and protect communities – not spy on them

The Surveillance Camera Code of Practice (<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>) contains 12 guiding principles which if followed will mean cameras are only ever used proportionately, transparently and effectively.

My role is threefold, to:

- encourage compliance with the code
- review the operation of the code
- advise on any amendments to how the code should develop

Relevant authorities (police, police crime commissioners, local authorities and non regular police forces) must pay due regard to the code. It holds relevant authorities to account having a statutory responsibility to do this – important when we think about this in the context of CCTV in taxis.



I don't have any powers of enforcement; I can't sanction a local authority for not complying with the code. In my short time in the role I've not seen any evidence of local authorities shying away from the code. However, it's a real risk for local authorities to ignore the code and doing so would risk reputational damage through appearing unwilling to engage with the public or follow good practice.

Prior to accepting this role I was head of intelligence at Barclays bank and before that a police commander having had responsibility for counter-terrorism investigations throughout the London 2012 Olympic Games.

So I get the use of technology in supporting the executive arm of the state - supporting investigations and providing reassurance. I also get how invasive it can be – and how the public trust must be protected. Once lost it is not easy to recover.

In general CCTV is welcomed by the public – they recognise its value in keeping them safe, protecting them. My predecessor used a phrase I like 'surveillance by consent' to mean the public consent to being observed where there is a pressing need and it is in their best interests. But this consent is fragile and there needs to be consultation about how, where and why cameras are deployed.

Take the incident which was probably the main catalyst for the creation of my role – project champion. A 'ring of steel' erected in a predominantly muslim area of the West-Midlands to monitor a terrorist threat. There was no consultation with the local community who were outraged to discover they were all being monitored as potential terrorists. The system of around 200 cameras was never switched on and it cost around £3 million.

So, we cannot underestimate the power of communities. Yes, CCTV is welcomed but only where it is proportionate, where there is transparency regarding its use and where it is not intrusive.

So let's now move to the issue of CCTV in taxis. Licensing schemes that are run by local authorities are within the scope of the code. All of a local authorities functions relating to surveillance fall under the code.

So, for example, let's take the issuing of alcohol licenses for pubs and clubs. Does the establishment need a CCTV requirement as part of its licensing conditions? Some authorities had previously had blanket policies requiring CCTV as part of their licensing conditions. When the code was launched in June 2013, the Department for Communities and local government announced that "councils imposing the use of surveillance cameras in pubs will now be subject to a new stricter code of practice that will strike a proper balance between privacy and security." It should mean an end to blanket policies. I am sure there is still more to ensure the message about the code gets out there.

A similar story exists in the world of licensing taxis. Blanket policies are in existence. We know of Southampton where the ICO stepped in and took enforcement action. In 2009 the council's licensing committee adopted a policy requiring all licensed vehicles to install CCTV equipment following a number of serious violent and sexual offences taking place in or around taxis.

Ultimately the question came down to the essential question of whether the council's policy was in contravention of article 8 of the European Convention on Human Rights and whether the policy was justified as a proportionate means of achieving a legitimate aim. The tribunal unanimously ruled in favour of the ICO stating that the council's policy "continuous blanket audio-recording of everything said in taxis, is disproportionate..." and ruled that the policy is not justified under act 8(2) and accordingly that it contravenes the first data protection principle.



The issue here seems to be whether or not this was the best way of achieving the objective of public safety. The tribunal said "that, there is scope for a more targeted scheme involving audio-recording based on times of day, types of customer (for example, children or vulnerable adults carried under contract between a taxi firm and the council), the use of panic buttons or a combination thereof, which strikes a better balance between the competing considerations and does not contravene the Data Protection and Human Rights Acts,".

So where does the code come in? In section 1.15, the code talks about the responsibilities of a local authority when exercising its licensing conditions. Remember, local authorities are relevant authorities and so must show the code due regard. If surveillance camera systems are to be mandated as part of the conditions of the licence, then it will require a strong justification and must be kept under regular review. The code also talks about a blanket approach "is likely to give rise to concerns about the proportionality of such an approach".

Let me now give a couple of examples where I have intervened in the issue of CCTV in taxis as part of the licensing conditions. One local authority had a serious issue where taxis were involved in cases of child sex abuse. Having discussed with the authority, I believe that they had a strong justification to implement a blanket policy for CCTV in taxis. But this wasn't the only measure they were taking. Every driver also had to undergo additional tougher check to ensure they were fit and proper to escort minors and vulnerable adults. They also accepted that taxis were also used for family use. So, the CCTV had to be switched on manually via switch in bonnet or boot when the vehicle was being used as a taxi. And audio recording was activated when necessary by either the driver or the passenger. Licences were also going to be reviewed regularly. The recording was only accessed if a complaint was made or an issue needed investigation and could only be accessed by the local authority.

In this case, there was a strong justification, it was being reviewed regularly and there was a proportionate response to the audio recording.

Compare that to another authority we are liaising with. This authority also wants to introduce a blanket policy for CCTV in taxis. In discussions so far, the evidence base does not provide strong justification. The system would be on whenever the vehicle was used and would therefore record private journeys. No consideration what other steps could be taken to resolve issues around public safety.

You can see the difference between the two authorities – I will support those who conform to the requirements in the code and challenge those who don't. I will continue to work with both.

That said, I want to throw a few more issues into the mix. Taxis are used to transport some of the most vulnerable in our society. They are used to take kids to school – escort vulnerable adults. Most of this is done between the driver and passenger. What happens if something goes wrong? What can and does go wrong? I am unsighted on the issues and potential solutions. Would CCTV in cabs actually help solve the problem? This is a genuine question. Some people think that CCTV is the answer to every problem. I disagree. Whilst it can and does work in various incidents and circumstances, it is not always the answer.

So, for example, if the problem is robbery because of cash in the taxis, how about moving to cashless systems and taking card or phone payments only? If the issue is with rogue taxi drivers who undertake criminal acts, how about more robust background checks? CCTV may be part of the solution. It could be a combination of different solutions. My point is that you need to understand the problem in order to have a solution.



What happened to CCTV in taxis in Southampton? After the action taken by the ICO, the plans were abandoned. I understand that they introduced further training for taxi drivers, including child exploitation awareness. That appears to have mitigated the issue for now.

And that is one of the key things to helping establishing a pressing need. The question must be asked – what is the problem and what can I do to help solve the problem. Does the solution go too far – does it unfairly invade someone's privacy?

I'd like to ask the audience a question. You're having a night out with your friends and after several drinks, catch a taxi home with your friends having a few laughs in the back of the cab. A few days later, someone tells you that the footage of your cab ride is up on YouTube with every word recorded. You get the picture – how does it make you feel? I'd suggest you'd be furious – I would be.

The issue here is who is the data controller? The data controller must protect the recording and ensure that it is only accessed if there is a need eg complaint and only accessed by an authorised person. No matter how funny the footage might be, having it on YouTube is unacceptable. If it is a local authority scheme, it is their responsibility. If you are fitting it, you are the data controller. Why is this important? Because any breaches of your role as data controller could lead to you being fined by the Information Commissioner.

But what if it wasn't your fault? Say the taxi was stolen? I'm a firm believer in encryption in devices that are at risk of being lost or stolen. If your vehicle is stolen with the recording device in it, then someone shouldn't be able to plug in a USB cable and download footage. There should be some safeguards against that happening.

There is much more I can talk about but I just want to make a point about signage. If you are going to use CCTV in taxis, let people know. Have signage in your vehicles, automated messages on your booking systems – people should know that they are being surveilled.

To summarise:

- CCTV in taxis can be a useful device but it is not the only solution or necessarily the best solution
- be clear about the problem and what the best solutions are
- what's your evidence base for interfering in someone's right to privacy?
- audio is particularly intrusive – what's your justification and what mitigation can be taken?
- be clear about the responsibilities of the data controller?
- ensure you make people aware – signage/notification

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**ICO warns over CCTV in taxis as council issued with enforcement notice**

Wednesday, 25 July 2012 13:16

The Information Commissioner has fired a warning to local authorities that they must consider all legal obligations on them before requiring the installation of CCTV in taxis and private hire vehicles.

Christopher Graham added that audio recording of conversations should also be "very much the exception, rather than the rule".

The warning came after the Information Commissioner's Office served an enforcement notice on Southampton City Council ordering it to stop the mandatory recording of passengers' and drivers' conversations in the city's taxis.

The local authority, which has until 1 November to comply with the notice, expressed disappointment at the ICO's move and said it would examine its options, including an appeal.

Since August 2009, Southampton has required all taxis and private hire vehicles to install CCTV equipment.

The ICO has decided that this policy breaches the Data Protection Act, taking the view that the recording of all conversations was disproportionate "given the very low number of incidents occurring compared to the number of trouble free taxi journeys".

The watchdog's move comes just weeks after Oxford City Council suspended implementation of a similar policy to that put in place by Southampton.

The ICO took preliminary enforcement action, claiming that the recording of conversations in taxis in Oxford would also breach the DPA.

Information Commissioner Christopher Graham said: "By requiring taxi operators to record all conversations and images while the vehicles are in use, Southampton City Council have gone too far.

"We recognise the council's desire to ensure the safety of passengers and drivers but this has to be balanced against the degree of privacy that most people would reasonably expect in the back of a taxi cab. It is only right that the privacy of drivers and passengers is respected."

Graham argued that this was particularly important as many drivers would use their vehicles outside work.

"While CCTV can be used in taxis, local authorities must be sensible about the extent to which they mandate its use, particularly when audio recording is involved," he said.

The Information Commissioner added: "We hope this action sends a clear message to local authorities that they must properly consider all the legal obligations on them before requiring the installation of CCTV or similar equipment and that audio recording should be very much the exception, rather than the rule."

The ICO said that:

- For CCTV equipment in taxis, images should only be recorded "where it is clearly justifiable";
- Audio recordings should only be made on very rare occasions, "for example where there are a high number of serious incidents and where recording is triggered due to a specific threat in a taxi cab".

Cllr Jacqui Rayment, Southampton's Deputy Leader, said: "We are disappointed with this decision as it is about safety for both the drivers and passengers. Data is encrypted, kept very securely and only downloaded if there is a specific complaint against a driver or if the police request access in order to investigate an alleged offence.

"When we received the preliminary enforcement notice in May the council responded to the Information Commissioner's concerns about privacy but these reassurances have not been taken on board in this judgement."

She added: "We are currently taking legal advice on the next steps to take, including appeal."

A copy of the enforcement notice can be viewed here. Failure to comply with an enforcement notice is a criminal offence.

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## APPENDIX C

### **GUIDELINES FOR INSTALLATION OF AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES (CCTV)**

#### **Introduction**

The information provided below is simply to assist any licensee or vehicle proprietor, considering fitting any electronic recording device attached to the inside of vehicle which has the ability to capture and retain visual images and audio, (CCTV) to a licensed vehicle. The decision and choice will be entirely that of the licensee or proprietor.

It is not a mandatory requirement for any licensed vehicle to fit CCTV equipment; however, Slough Borough Council must be notified in writing of any currently installed system or the intention to install any such a system to a licensed vehicle.

These guidelines set out to ensure that any CCTV systems installed in Hackney Carriages and Private Hire vehicles licensed by Slough Borough Council are properly used to:

1. Deter, prevent and detect crime
2. Reduce the fear of crime
3. Assist the Police in investigating incidents of crime
4. Ensure the security and safety of Hackney Carriage, Private Hire drivers and passengers; and
5. Assist insurance companies in investigating motor vehicle accidents

The licensee or proprietor of a licensed vehicle must ensure that any CCTV equipment fitted to a licensed vehicle, complies with the Information Commissioner's Office (ICO) "CCTV Code of Practice", which states that:

*CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way. There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:*

- **Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.**
- **Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.**
- **Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite.**
- **Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.**

In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Transport for London have adopted the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles, and we recommend that should you wish to fit such a system with audio recording enabled, that you follow the Transport for London model which states that:

- **Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.**
- **The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.**

## **NOTIFICATION TO THE INFORMATION COMMISSIONER'S OFFICE**

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has the legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used, and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a Hackney Carriage or Private Hire (HCPH) licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the Licensing Team at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

## **USING A THIRD PARTY SERVICE PROVIDER (DATA PROCESSOR)**

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

## **SIGNAGE FOR INTERNAL AUDIO AND VISUAL RECORDING EQUIPMENT**

All Hackney Carriage and Private Hire vehicles fitted with Audio and Visual Recording Equipment must display signage informing passengers that the vehicle is equipped with such a system. The driver may also wish to verbally bring to the



attention of the passengers that such equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out. **The name and the contact telephone number of the Data Controller must be included on the sign.**

### **SIGNAGE FOR EXTERNAL FACING AUDIO AND VISUAL RECORDING SYSTEMS**

Where a system is installed in order to record incidents *outside* the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

Please complete the back page of the guidelines and return a signed copy to the Licensing Team.

To assist individual drivers, owners, and operators who are considering the installation of a CCTV system, the summary checklist below should be used to help ensure that all of the relevant approval requirements/standards are complied with.

Please tick

1. Notification submitted to the Information Commissioner's Office (ICO).at [www.ico.org.uk](http://www.ico.org.uk)  Yes /  No
  
2. Has the ICO provided you with documentation to evidence your notification as the "data controller" associated with your system?  Yes /  No
  
3. Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the operation or management of the CCTV system? (where applicable)  Yes /  No
  
4. Have you displayed the required signage, including the relevant contact details?  Yes /  No

Licensees or proprietors may also need to consider their obligations in relation to the Surveillance Camera Code of Practice, issued by the [Surveillance Camera Commissioner](#).

I have been provided with a copy of the Slough Borough Council **Guidelines for Installation of Audio and Visual Recording Equipment in Licensed hackney Carriage and private Hire Vehicles**

Name: .....

Private Hire/Hackney Carriage Vehicle Licence Number:

.....

Signed: .....

Date: .....

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee **DATE:** 20<sup>th</sup> October 2016

**CONTACT OFFICER:** Michael Sims - Licensing Manager  
**(For all Enquiries)** (01753) 477387  
 Ginny de Haan – Head of Consumer Protection and  
 Business Compliance  
 (01753 477912)

**WARD(S):** ALL

**PART I****FOR DECISION****REVISED POLICY FOR TINTED WINDOWS/ PRIVACY GLASS IN PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES****1. Purpose of Report**

For members to consider proposals of a revised policy on tinted windows/privacy glass on all new Private Hire and Hackney Carriage vehicles to be licensed.

**2. Recommendation**

That the Committee having regard to the content and information contained in the report is requested to:

- (a) approve the proposed revised policy on tinted windows/privacy glass, or
- (b) resolve that the current policy on tinted windows/privacy glass should remain.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The original policy for tinted windows/privacy glass in respect of private hire and hackney carriage vehicles was approved by the Licensing Committee on 1<sup>st</sup> November 2012, for a number of reasons as detailed in this report including the personal safety of licensed drivers and fare paying passengers.

The policy since that time has necessitated vehicle proprietors to pay for replacing manufactured fitted tinted windows that come as standard, that do not meet the current policy.

It is felt that the cost now involved in replacing the tinted windows is putting additional, and sometimes, substantial cost and inconvenience on the vehicle proprietors wanting to upgrade their licensed vehicles. However, the protection and safety of the public needs to be balanced with the cost associated with replacing tinted windows to meet the current policy.

**3a. Slough Joint Wellbeing Strategy Priorities –**

The revision of the policy if approved will negate unnecessary costs and inconvenience of vehicle proprietors having to replace factory fitted tinted

windows.

The approval of the new policy will contribute to the wellbeing priorities of:

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

The approval of the new policy will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines the reasons for the revision of the current policy on tinted windows/privacy glass.

The approval of the new policy will contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) Financial

There are no financial implications involved in the proposed action.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	Approving the proposed new policy will reduce the unnecessary financial costs and inconvenience on vehicle proprietors. However the protection and safety of the public must be considered in approving the revised policy.	Approval of the new policy will not affect the role of the Licensing Authority in the protection, safety and wellbeing of the public.

(b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An Equality Impact Assessment has been conducted which concludes that there are no adverse or negative impacts of opportunity for any equality group or for any reason.

## **5. Supporting Information**

5.1 The original policy attached at **Appendix A** was approved by the Licensing Committee on 1<sup>st</sup> November 2012,

5.2 The report at that time highlighted that there were no regulations relating to the transmission of light through the rear windows or rear windscreen of vehicles (which is still the case now) and that there were number of vehicle manufacturers that '**offered**' the **option** of very dark windows, as well as a large number of companies '**offering**' after-market window tinting. In addition, very dark or heavily tinted windows were mainly fitted as standard in higher class models or makes of vehicles.

5.3 The report also highlighted that both Private Hire and Hackney Carriage vehicles provide a valuable public transport service for schools, social services, local residents and visitors to Slough, and the reasons for having clear visibility in the rear of a licensed vehicle were:

- VOSA state that excessively tinted glass restricts a driver's vision, especially in dark conditions. This may prevent drivers from seeing other road users or pedestrians.
- Activities taking place in the vehicle cannot be viewed from the outside, posing both a risk to both passengers and driver.
- Enforcement officers need to see that the maximum number of passengers is not being exceeded.
- Vulnerable passengers such as lone females and young persons will feel safer in a vehicle where they can be seen.
- To ensure public safety and the wellbeing of the passengers and drivers.

5.4 Since 2012, a larger number of vehicles of prestige/executive class models now come with standard 'manufacturer fitted' tinted windows that are outside of the current policy and require being replaced with glass that is compliant with the current policy before being licensed.

5.5 Section 30 of the DfT Taxi and Private Hire – Best Practice document that most licensing authorities have regard to when implementing policies or conditions states:

***Tinted windows 30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.***

- 5.6 Initial meetings were held with representatives of the Taxi and Private Hire trade at their request with a view to reviewing the policy to allow more prestige/executive class vehicles to be licensed without having to incur the sometimes substantial costs involved in replacing the glass.
- 5.7 In light of this and of the increasing number of vehicles to be licensed that do not conform to the current policy, the Licensing Team is taking into account the DfT Best Practice Comments and is also minded of the sometimes substantial additional costs and inconvenience to licence holders associated with replacing the glass. Therefore the revised policy was prepared for consideration, which is attached at **Appendix B**.
- 5.8 Initial consultation on the proposal was carried out with representatives of the Slough Private Hire Drivers Association and the Slough Taxi Federation on the 9<sup>th</sup> and 11<sup>th</sup> August 2016 respectively, who were in support of the new policy. A full consultation with all Private Hire and Hackney Carriage drivers and Operators was conducted between 15<sup>th</sup> August 2016 and 16<sup>th</sup> September 2016. In addition Thames Valley Police were also asked for their views on the current and proposed policy. The responses to the consultation are contained at **Appendix C**.
- 5.9 The vast majority of local authorities have policies in place in relation to tinted windows in licensed vehicles which vary immensely across the country. For the information of the Committee, policies from some local authorities in the Thames Valley Region locally are attached at **Appendix D**.
- 5.10 As stated previously the current policy was approved on 1<sup>st</sup> November 2012. Since that date there has been a total of 5 drivers that have had their licenses revoked with 'Immediate Effect' having been arrested for sexual offences. The details of these are attached at **Appendix E**.
- 5.11 Public safety is an important aspect for the committee to consider when resolving to approve a policy or revised policy. The Licensing Team and the Licensing CSE Splinter Group have covered raising awareness of Child Sexual Exploitation (CSE) and Human Trafficking with the taxi and private hire trade over the last 4 years. In addition the mandatory Safeguarding Awareness Training approved by the Licensing Committee in July 2015 has commenced for all new and currently licensed taxi and private hire drivers and operators, and it should be highlighted that the taxi and private hire trade and representatives have been and are fully supportive of both these areas.
- 5.12 The Slough Licensing Team has in place one of the most robust vetting procedures in Berkshire which has been commented on recently by the Home Office Enforcement Team, as well as demonstrating quick and decisive action to revoke licenses with 'Immediate Effect' where there are any allegations of offences that pose a risk to the public and in particular offences of a sexual nature.
- 5.13 The Committee in resolving on this matter should also have regard to the DfT Taxi and Private Hire Licensing – Best Practice Guide on the '*The Role of the Vehicle Licensing: Policy Justification*'. This section of the guide outlines that a local authority look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. The relevant extract of this guide is attached at

## **Appendix F.**

### **6. Comments of Other Committees**

Original policy was approved by the Licensing Committee on 1<sup>st</sup> November 2012.

### **7. Conclusion**

The Committee is requested, based on current evidence and information in this report to resolve to make an informed decision to either approve the new proposed policy or that the current policy should remain in place.

### **8. Appendices Attached**

'A' - Tinted window policy 2012

'B' - Proposed Tinted window policy 2016

'C' - Responses to the consultation

'D' - Other policies on tinted windows from the Thames Valley area.

'E' - Details of driver licence that have been revoked for committing sexual offences.

'F' - Extract of the DfT Taxi and Private Hire – Best Practice Guide.

### **9. Background Papers**

DfT – Taxi and Private Hire vehicle Licensing – Best Practice Guide.

**2012 Policy**

*This policy was approved by the Licensing Committee on 1<sup>st</sup> November 2012.*

- *Light transmitted through the **windscreen** must be at least 75%*
- *All **other windows (both front & rear)** must allow at least 70% of light to be transmitted*
- *Exceptions to limiting the tint on the rear windows can be made providing the following criteria can be met:*
  1. *the vehicle is used predominantly for contract hire/corporate work where no cash is exchanged*
  2. *the vehicle is a stretched limousine or prestige/executive type (e.g. Mercedes, BMW, Audi etc)*
- *Where currently licensed vehicles have factory tinted/privacy glass fitted, they will remain licensed until the vehicle reaches the maximum licensable age of the vehicle in accordance with both private hire and hackney carriage vehicle age policies.*
- *Where currently licensed vehicles have had a 'tinted film' fitted after being licensed, that the film be removed.*



**Proposed Revised 2016 Policy**

- Light Transmission through the **windscreen** must be at least 75%
- Light through **both front side windows** must be at least 70%
- All other windows including the rear windscreen must be fitted with the standard manufactured glass regardless of the darkness of the tint
- After being licensed vehicles must not have additional tinted windows fitted that were not fitted at the time of being licensed
- Any tinted film fitted on any windows before or after being licensed must be removed.

**APPENDIX C**

<b>Response Comment</b>	
All PHDA reps present all agree with proposed policy.	Meeting with Slough Private Hire Driver Association on 9/08/2016
Taxi Federation members agree with proposed policy.	Meeting with Slough taxi Federation on 11 <sup>th</sup> August 2016
hackney carriage badge 70 I want this policy to be implemented straight away as you know your selfs all these new cars are coming tinted windows from the manufacturer's and of the record I just spent £1800 to remove and downgrade my car were is the logic there thankyou	Licensed Hackney carriage Driver
Tinted Window Policy > We agree with policy, manufactured glass regardless of the darkness of the tint.	Slough Taxi Federation
Both myself and PS Grant Thomas have looked at your revised policy and it would appear reasonable.	Thames Police Traffic Unit

**Reading**

**WINDOWS**

Windows must meet the following standards:

- Windscreens: must let in at least 75% of the light
- Front, side windows: must let in at least 70% of the light
- Rear, side windows: must let in at least 65% of the light
- Rear screen windows: must let in at least 65% of the light

Private Hire

**Window tints**

- Windscreens: must let in at least 75% of the light
- Front, side windows: must let in at least 70% of the light

Prior to registration with the Driver Vehicle Licensing Authority and initial licensing with the Council, the rear side windows and rear screen of all newly manufactured vehicles must be fitted with the lowest percentage tint supplied by the manufacturer.

No vehicle shall have after purchase tinting

Owners with any queries concerning compliance with these specifications should consult with officers from the Licensing Section before purchasing any vehicle.

**West Berkshire**

Ensure that vehicle's are not fitted with one or more blacked out windows nor shall they be so modified. Exceptions for those vehicles which have darkened windows as standard specification for the vehicle from manufacture and that are in accordance with the current VOSA standards may be made at the discretion of the Council's Licensing Officers

This does not appear to be on the Private Hire Conditions.

**Wokingham**

Vehicles with tinted windows will be considered, however, the glass on the driver's compartment must satisfy the standards contained in the Road Vehicles (Construction and Use) Regulations 1986.

## **Wycombe**

In the interests of public safety, tinted windows are not permitted on licensed vehicles unless a minimum of 75% light is transmitted through the front windscreen and 70% light is transmitted through all other glass on the vehicle.

## **Bracknell Forest**

11.10 All licensed vehicles (except for private hire vehicles with a dispensation) must meet the following requirements:

- (i) Light transmitted through the windscreen must be at least 75%
- (ii) All other windows (both front and rear) must allow at least 70% of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

11.11 Where currently licensed vehicles as from 11 October 2013 have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

11.12 Where currently licensed vehicles as from 11 October 2013 have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next vehicle inspection. Failure to do so will result in the vehicle failing the inspection.

## **Runnymede – Minutes of meeting on 26<sup>th</sup> July 2016**

Tinted windows – explain why certain vehicles can have a very dark tint and not others.

It was confirmed that currently there are no conditions about restricting tinted

windows in Runnymede but that the new draft policy which was out for consultation

did propose some provisions. Mr Smith stressed the importance of giving feedback to the proposed new policy. It was suggested that tinting should only be permitted where factory fitted as standard on the vehicle to prevent too dark a tint being applied manually. It was thought that being able to see the driver and passengers was important but some privacy should be permitted.

## **South Bucks**

“Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. Light transmitted through the front side windows of hackney carriages and private hire vehicles must be at least 70%. All other windows including the rear windscreen must allow at least 30% of light to be transmitted.

Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council’s dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council’s Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements. Executive private hire vehicles meeting the dispensation requirements will be required to meet the requirement for 75% and 70% of light to be transmitted through the front windscreen and front side windows respectively”.

## **South and Vale**

The front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle.

## **Chiltern**

### **Current**

Glazing All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number the darker the tint

### **Revised Proposed Policy for 2016**

Glazing: Light transmission through the windscreen must be at least 75%, Light through both front side windows must be at least 70%. All other windows including the rear windscreen must be fitted with the standard manufactured glass regardless of the darkness of the tint. After being licensed vehicles must not have additional tinted windows fitted that were not fitted at the time of being licensed. Any tinted film fitted on any windows before or after being licensed must be removed.

**DETAILS OF DRIVER LICENCES THAT HAVE BEEN REVOKED FOR COMMITTING SEXUAL OFFENCES.**

**2014**

Indecent Assault on a female passenger in the licensed vehicle at night, not in the Slough Area.

Indecent Assault on a female passenger in the licensed vehicle at night, in the Slough area.

**2016**

Rape of a woman during the day not in the licensed vehicle late evening, in the Slough Area.

Indecent Assault on a female passenger in the licensed vehicle during the day, not in the Slough area.

Rape of a woman not related to the work of a licensed driver.

**DfT TAXI AND PRIVATE HIRE VEHICLE – BEST PRACTICE GUIDE**

**THE ROLE OF LICENSING: POLICY JUSTIFICATION**

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee                      **DATE:** 20<sup>th</sup> October 2016

**CONTACT OFFICER:** Michael Sims - Licensing Manager  
**(For all Enquiries)** (01753) 477387  
Ginny de Haan – Head of Consumer Protection and  
Business Compliance  
(01753 477912)

**WARD(S):** ALL

**PART I**

**FOR COMMENT AND DECISION**

**PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS CHARTER**

1. **Purpose of Report**

For the Committee to consider and comment on a 'Driver's Charter' for Private Hire and Hackney Carriage drivers.

2. **Recommendation**

The Committee is requested to approve the implementation of the Driver's Charter.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

As the report outlines the Council has specific policies, conditions and bye-laws in place for both private hire and hackney carriage drivers, either approved locally or contained within national legislation, which have to be complied with.

The report also outlines the importance of the image of the private hire and hackney carriage industry in Slough.

A 'Driver's Charter' has been developed in consultation with representatives of both organisations of the industry with the purposes of raising standards, improving public perception of the industry, instill a sense of pride and purpose and ensuring clarity and consistency across the industry and of what is expected of it.

3a. **Slough Joint Wellbeing Strategy Priorities –**

The proposal for a Driver's Charter will contribute to the following wellbeing priorities:

- Economy and Skills

- Safer Communities

Cross-Cutting themes:

Approving the introduction of a Driver’s Charter will enhance the image of the private hire and hackney carriage industry in Slough and will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines the purposes of the Driver’s Charter. This will contribute to the Five Year Plan with the specific outcome of :

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) Financial

There are no financial implications involved in the proposed action.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	It is important that all licensed private hire and hackney carriage drivers comply with all requirement of a licence and the Driver’s Charter will ensure the drivers commitment to this.	None

(b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An Equality Impact Assessment has not been completed as the Driver’s Charter has been developed incorporating current policies, conditions and bye-laws already approved and in place, and therefore there is no identified negative or adverse impact on any individual or any equality group.

## **5. Supporting Information**

- 5.1 The Council already has in place policies, conditions and bye-laws for private hire and hackney carriage drivers, vehicles and operators, either locally approved or contained within national legislation, that have to be complied with.
- 5.2 The image of the private hire and hackney carriage industry in Slough is an importance issue, and the purposes of the Driver's Charter is to raise standards, improve public perception of the industry, instil a sense of pride and purpose and ensure clarity and consistency across the industry and of what is expected of it.
- 5.3 The Driver's Charter has been developed to incorporate the policies, conditions and bye-laws currently in place with the drivers committing to 2 key areas i.e. 'My Passenger and Service' and 'My Responsibilities'. A copy of the draft Driver's Charter is attached at **Appendix A**.
- 5.4 The Driver's Charter was developed in consultation with the Slough Private Hire Drivers Association and the Slough Taxi Federation who are fully supportive of the Charter and of enhancing the status and image of the industry in Slough.
- 5.5 The Committee is asked to comment on and approve the Driver's Charter which will then be professionally formatted and designed and provided to all new and existing licenced drivers. The Charter will also be available on the Council website for public view.
- 5.6 If the Committee formerly approve the proposed Dress Code and the revised wording for the 'No sexual contact' condition, these will also be incorporated into the Driver's Charter.
- 5.7 Although a formal consultation has not been carried out as the Driver's Charter has been developed with existing policies, conditions and bye-laws, all private hire and hackney carriage drivers and operators were written to as part of a consultation process on other matters informing them of the proposals of the development of the Charter to be put before the Licensing Committee.

## **6. Comments of Other Committees**

None.

## **7. Conclusion**

The Committee is requested to approve the implementation of the Driver's Charter.

## **8. Appendices Attached**

'A' - Driver's Charter

## **9. Background Papers**

None.

**Slough Borough Council Driver Charter**

**As a licensed private hire or hackney carriage driver, I commit to the following;**

**My passenger & service**

**I WILL**

- attend my bookings at the correct time and place
- proceed to the destination by the quickest and shortest route
- carry a reasonable amount of luggage and to assist my passenger with loading and unloading
- be clean and respectable in my dress
- not eat or drink in my vehicle whilst carrying passengers
- behave in a civil and courteous manner
- take reasonable steps to ensure my passengers safety when they are getting in and out of my vehicle
- not play any audio or video that is offensive or that will cause a nuisance to my passengers
- not initiate any dialogue of a sexual nature with my passengers
- not contact passengers\_ once the journey is complete
- not use or share a passengers personal information
- not exceed the number of passengers stated on my vehicle licence
- carry all children in my vehicle in the correct and legal manner
- provide a written receipt of the fare if requested
- carry any assistance dog needed by my passenger
- assist any passenger who needs extra help for whatever reason
- not carry any additional passengers without the

**My responsibilities**

**I WILL**

- clearly wear or display my ph/hc drivers licence
- show my ph/hc drivers licence when requested by an authorised officer or police officer
- not use a vehicle if it does not comply with Slough Borough Council's vehicle policy
- take the necessary steps to ensure I am picking up the correct passengers with a booking
- not pick up any passengers unless they have made a booking through my operator
- not use any device such as a mobile phone or PDA whilst driving
- check my vehicle for any lost property at the end of each journey
- notify my operator of any lost property and arrange suitable collection with the passenger or hand the property into the nearest police station
- ensure my vehicle licence (plate) is clearly displayed and securely attached to the back of my vehicle
- inform Slough Borough Council of any convictions, cautions, DVLA driver licence endorsements or pending court proceedings
- inform Slough Borough Council immediately if disqualified from driving
- update Slough Borough Council of any changes to my personal information such as address or telephone number
- ensure my DVLA driving

consent of the hirer

### **HACKNEY specific**

- **turn the meter on at the start of a journey**
- **display a current fare chart in my hackney carriage**
- **adhere to the agreed fare negotiated with a passenger**
- **not charge for travelling to a booking**

licence is valid and registered at the correct address

- inform Slough Borough Council within 72 hours if my licensed vehicle is involved in any accident
- inform Slough Borough Council of any health problems i.e. diabetes, heart, blood pressure etc
- ensure that no one smokes in my licensed vehicle
- ensure that 'no smoking' signs are clearly displayed
- not park my private hire vehicle on a taxi rank
- ensure my vehicle is kept clean both inside and out
- ensure my vehicle is kept in good mechanical condition including the exterior body work
- ensure my vehicle is correctly insured at all times
- ensure my vehicle has a valid Certificate of Compliance at all times
- carry a copy of my DVLA drivers licence, insurance certificate and certificate of compliance in my vehicle at all times
- ensure my vehicle is only driven by a Slough Borough Council licensed ph/hc driver
- follow all reasonable requests made to me by an authorised officer or police officer

### **HACKNEY specific**

- **display a 'TAXI' roof light on my vehicle**
- **ensure a correctly calibrated meter has been with has been fitted to my hackney carriage**
- **ensure my meter is not tampered with by anyone at any time**
- **use the meter correctly and in accordance with the current fare chart**

	<ul style="list-style-type: none"><li>• go to the nearest taxi rank when I am available for hire. If that is full I will go to another available rank</li><li>• ensure my wheelchair accessible vehicle complies with current Slough Borough Council policy</li></ul>
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**MEMBERS' ATTENDANCE RECORD 2016/17- LICENSING COMMITTEE**

COUNCILLOR	08/06/16	20/07/16	20/10/16	22/11/2016	24/01/2017	16/02/17	29/03/17
Cheema	P	C					
Coad	Not yet appointed at this date	A					
Davis	P	N					
Parmar	P	C					
Qaseem	Ab	E					
Rasib	P	L					
A Sandhu	P	L					
Shah	P	E					
Sohal	Ap	D					
Strutton	P	-					
Wright	P	-					

P = Present for whole meeting  
 Ap = Apologies given

P\* = Present for part of meeting  
 Ab = Absent, no apologies given

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