



Hertsmere Borough Council



Residents guide to using taxi and private vehicles in Hertsmere

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Book, Check and Ride
Look, Check and Ride



Introduction

“Taxis” are an integral part of the UK’s transport system and that of Hertsmere.

We use hire vehicles:

- To go to the airport;
- To go to work;
- To go to the shops;
- To get home from a night out;
- To take our children to school;
- To go to the hospital;
- To visit family and friends.

We use them for a range of reasons, such as when:

- Our own vehicle is in the garage;
- We have too much luggage;
- We are unable to drive ourselves;
- It’s convenient;
- It’s cheaper than paying for parking;
- We do not want the stress or hassle of driving.

Anyone may use a “Taxi” at some point in their life.

- School children
- Those going out in the evening or returning from an evening out;
- Persons with a disability;
- The elderly;
- Tourists;
- Business people;
- Families;
- Those going on holiday;
- The people you care about; and
- You.

Interesting fact

Licences for Hackney Carriages were first required in 1662, following a proclamation from Charles II.

The law requires the “taxi” trade to be regulated in order to ensure that people using taxis are safe and Hertsmere Borough Council’s policy is to put public safety first!

This guide is aimed at giving you the information needed to stay safe!



Not all “Taxis” are Taxis

Most of us use the term “taxi” to refer to a vehicle, driven by a stranger, who we pay to pick us up and drop us off where we want.

The terms “cab”, “mini-cab”, “black cab” or “London cab;” also get used.

However, in law, there are two types of licensed vehicle – a Hackney Carriage and a Private Hire Vehicle, and each can and can’t do certain things!

Knowing this difference will help ensure you book correctly and travel safely.

Hackney Carriages (Taxi’s)

A hackney carriage is licensed to carry out an activity known as standing or plying for hire.

This means that the driver can simply drive their hackney carriage vehicle around the area in which it is licensed looking for customers or park, in prominent public places, such as at a taxi rank and wait for customers.

The driver of a hackney carriage can take a booking directly from you at the vehicle. You create a contract for public hire in the ‘open air’.

Private Hire Vehicles

The majority of hire vehicles licensed by Hertsmere Borough Council are private hire vehicles.

These must be despatched to a customer by a licensed private hire operator.

Instead of booking a journey with the driver, you must contact a licensed operator and create a “private contract” between you and the operator.

The operator must record your booking in their records before they allocate a vehicle to you and this creates a distinction between hackney carriages and private hire vehicles.

Tell the difference between a Hackney Carriage and a Private Hire Vehicle?

A Hackney carriage must:

- 1) Display a sign like those pictured above, that either states it is a “Taxi” or “for hire”; and
- 2) Be licensed to operate in the district that it is working in.



Hertsmere Borough Council Hackney Carriages will display a BLACK AND BLUE plate on the rear that looks like this:



Booking a vehicle

Booking a vehicle in Hertsmere checklist

Look: Does the vehicle display a roof sign that says 'Taxi' or 'For hire?'

Check: Does the vehicle have a Hertsmere hackney carriage plate?

If yes to both it is a Hertsmere hackney carriage and you can book with the driver.

ALL OTHER VEHICLES MUST BE PRE-BOOKED

What Private Hire Vehicles and their drivers cannot do:

A Private Hire Vehicle cannot:

- Appear to be a hackney carriage (i.e. display a sign that says "taxi" or "for hire").

The driver of a Private Hire Vehicle cannot:

- Park their vehicle in such place or manner so as to indicate that they are available for immediate hire;
- Take a booking directly from you;
- Contact their operator on your behalf;
- Add on additional charges for any service other than that which you have agreed with the operator.

Remember, unless a vehicle is a hackney carriage, any vehicle you hire must be booked through a licensed operator.

What happens if you get into a Private Hire Vehicle without pre-booking:

- The driver commits a criminal offence;
- The vehicle's insurance is invalidated;
- You may not be insured for any loss, damage or injury;
- There will be no record of your journey;

- If things go wrong, you cannot sue the operator for breach of contract;
- The driver may not charge the correct fare.

Would you be certain that someone you care for would be safe in a vehicle with a driver who is willing to commit a criminal offence?

Even if you are not concerned about your own safety, entering a vehicle without pre-booking it also:

- Inflates the premiums we all pay for vehicle insurance;
- Contributes to tax avoidance;
- Results in operators and other drivers losing out on work and increases the fares all customers pay;
- Drivers losing out on work may be encouraged to commit this offence to and further increase the risk to the public;
- It makes enforcement by the Council and the Police more difficult and this makes it harder to keep you safe.



Dangers of not pre-booking a vehicle

A Private Hire driver taking a booking directly from a customer is a criminal offence.

This can be common in some areas and often occurs due to drivers wanting to make quick cash without getting the appropriate hackney carriage licence.

However, this illegal act can pose a real danger to you and other road users.

Contacting a private hire operator

A booking for a private hire vehicle can be made in a number of ways:



By telephone



By smartphone app or text



By email or an internet site



By attending a booking office in person



Or even post

Your legal relationship with an operator is the same as any consumer relationship – one party provides a service to another in return for payment.

By booking a vehicle through an operator you are entering into a private contract with the operator.

The Council does not regulate “private contracts” and cannot dictate the service that an operator provides, nor their prices, provided that their conduct is “fit and proper”.

Price

Some operators may advertise a specific rate or provide a quote or estimate at the time of booking.

As a customer you have the right to negotiate this price but the operator is not obliged to make any adjustment. This is between you and the operator. If you do not like the cost or service provided you should use another operator.

Agree the cost upfront

It is strongly recommended that you agree the cost of your journey, or the manner in which the cost will be calculated with the operator, before confirming the booking. This should prevent any last minute surprises or shocks.

Terms of the contract

When booking with a private hire operator you are free to specify any specific terms that you require. For instance, you may require:

- The vehicle to be a certain make;
- The driver to be a specific person;
- The driver to knock on your door when they arrive;
- To be picked up at an exact time;
- A guarantee that you get to a specific destination by a certain time.

You can ask the operator for anything – but the operator may not agree!

If you have specific terms that are important to you, you should agree them in writing, even if that means emailing the operator after booking to confirm.

Performance of contract

The operator is responsible for the performance of the contract you have with them.

This means that the vehicle despatched should arrive on time, it should be roadworthy, licensed and fit for the purpose of your hiring. This also requires compliance with any specific matters you agree with the operator.

If the contract you have with the operator is not performed to your satisfaction, your rights are the same as they are in any consumer situation.

Passengers with a disability

Any form of discrimination by a driver or an operator against a passenger or member of the public would indicate that they are not fit and proper to be licensed.

There are some additional provisions applicable to hackney carriages and private hire vehicles that are intended to protect passengers with a disability from unfair treatment.

Wheelchair users travelling by WAV's

All drivers of a purpose-built wheelchair accessible vehicle (WAV) have a statutory duty to:

- Carry a passenger whilst seated in their wheelchair;
- Not to make any additional charge for doing so;
- (If requested) allow the passenger to sit in a passenger seat and carry the wheelchair separately;

- Take such steps as necessary to ensure that the passenger is carried in safety and reasonable comfort;
- Give the passenger such mobility assistance as is reasonably required.

These statutory duties apply to purpose-built wheelchair vehicles only.

Wheelchair users travelling by vehicles that are NOT purpose built WAV's

The above statutory duties only apply to purpose-built WAV's. Many wheelchair users can travel in saloon or hatchback vehicles by 'transferring' from their wheelchair into a passenger seat. All the driver needs to do is provide reasonable assistance to the passenger and simply fold and carry the wheelchair.

Whilst the statutory duties do not apply, Hertsmere Borough Council conditions all licensed drivers to take passengers in wheelchairs where they are able to safely do so.

Assistance dog users

All licensed drivers are required to carry a passenger with an assistance dog and allow that dog to remain with the passenger. No additional charge can be made for this.

Refusals

It is criminal offence for a driver or operator to refuse to carry a passenger in a wheelchair or with an assistance dog unless, that driver is medically exempt.

Medically exempt drivers

Provided that an operator is aware of your needs a vehicle should not be despatched to you with a driver that is medically exempt from carrying a wheelchair or assistance dog. Medically exempt drivers must carry an exemption certificate and you should ask to see it.

Complaints

If you believe that you have been unfairly refused a journey due to either being in a wheelchair, having an assistance dog or any other reason related to a disability you should complain to the licensing team.

Contacting an operator

As a transport provider a private hire operator cannot discriminate against a person due to a disability under the Equality Act 2010.

An operator may not always be able to satisfy your requirements but it may not be due to discrimination.

If you believe that discrimination has occurred you can complaint to the Council as well as making a civil claim yourself against the operator for breaching their statutory duties.

If you experience difficulties in obtaining travel due to operators being unable to cater for your needs please let the Council's licensing team know, so that we can monitor the provisions of our Policy and consider if further steps are needed.



What should you expect from Hertsmeire Borough Council licensed drivers and vehicles?

Drivers must be fit and proper

You should expect appropriate behaviour and conduct from a licensed driver commensurate to their role.

Drivers must wear a badge

This will include their name and photograph and identifies them as a licensed driver. You should ask to see their badge if it is not visible. It is an offence for them not to wear their badge.

Council conditions require a driver to:

- Attend punctually;
- Drive Safely;
- Be smart, clean and respectable;
- Behave in a polite, civil and courteous manner;
- Drive the shortest available route to your destination;
- Not eat or drink in the licensed vehicle whilst carrying passengers;
- Not smoke in their vehicle at any time;
- Provide a legible receipt upon request;
- Check and return lost property;
- Provide adequate space for luggage and safely carry it;
- Provide reasonable assistance to customers when loading and unloading luggage;
- Ensure the safety of persons conveyed in or entering or alighting from the vehicle;
- Not to befriend customers on social media.

What the Council's Licensing Team do to ensure these standards are met

All licensed drivers undergo a training day before being granted a licence. This ensures that they have an awareness of safeguarding and disability issues, as well as customer care.

Drivers must pass an advanced driving test and local knowledge test.

The Council check their criminal and driving licence records every six months to ensure that there is no reason to consider them unsuitable.

Vehicles are tested once a year at an appointed MOT station and before being granted a licence they are inspected by a Council Officer.

The Council carry out a range of proactive and reactive enforcement operations to check compliance with the above standards and conditions. Additionally we monitor drivers via complaints received in order to take action where it is necessary to protect you and other members of the public.

Vehicles should be:

- Safe and suitable;
- Comply with national MOT standards;
- Insured for the carriage of passengers;
- Carry fire extinguisher and first aid kit,
- Spare/replacement lightbulbs;
- Maintained in a clean and safe condition;
- All lights, doors, door locks, seat belts etc. should be operating correctly;
- Free of dents, visible rust, unrepaired accident damage and stains, rips, tears or other damage to the upholstery;

Vehicles must also display a plate

- Hackney Carriages display the plate shown on page 3.
- A private hire vehicle will display the plate below:



Staying safe when travelling by private hire or hackney carriage

1. Is it a Hackney carriage or do you need to book?

Look: Does it have an illuminated sign that says "TAXI" or "FOR HIRE"?

Check: Does it have a Hertsmere hackney carriage plate on the rear?

Ride: If it meets both requirements it's legal and safe to travel by booking with the driver.

Remember: If it is not a Hertsmere licensed hackney carriage you must pre-book the vehicle before travelling.

2. Booking a private hire vehicle

Book: You must book through a licensed private hire operator.

Check: Is this the licensed vehicle despatched for you. Does it have a Hertsmere private hire plate? Does the registration, make and model match the details given to you by the operator?

Ride: If it is the vehicle you have booked in advance it is safe and legal to travel.

3. Is the vehicle safe?

If you have any concerns about the safety of the vehicle – such as visible accident damage or seatbelts not working – and you do not feel safe, do not get into the vehicle. Report it to the Council.

4. Is the driver licensed?

The driver should be wearing a badge. If you cannot see it, ask for him to show you. The badge should display his photograph, name, licence number and an expiry date.

If the badge cannot be shown, the picture does not look like the driver or has expired, do not travel. Take a note of the badge and contact the Council.

5. Travelling alone

If you are travelling alone in a licensed vehicle let someone know where you are, what time you are setting off, the vehicle you are travelling in and your expected arrival time. Sit in the back seat and keep your phone to hand.

6. Do not exchange or share personal information

Whilst it is nice to have a chat take care not to provide personal information that you would not want a stranger to know. Drivers should be professional at all times.

7. Do not share with strangers

When booking a hackney or a private hire vehicle the booking **is for you**. A shared journey with someone else requires your consent. Do not be pressured into doing this, the driver should ensure that you travel safely alone.

8. Take a note of key information:

Record the registration number, vehicle make, model, driver badge number and keep any messages received by text or smart phone App from the operator. This can assist us if things go wrong.

9. Trust your instincts

If you feel unsafe or unsure about any aspect of your journey, whether before you get into the vehicle or whilst travelling, **trust your instincts**. Do not get in, or get out somewhere safe, public and well lit. Call another operator, a friend or if you feel unsafe call the Police.

10. Respect your driver

A number of incidents can be avoided if passengers understand and respect their driver. Abuse towards drivers, leaving a vehicle without paying or damaging their vehicle is not acceptable. Operators may refuse passengers who do this.



Cross border hiring

Cross Border hiring is the confusing name applied to the way modern transport service providers operate under the current law, which was developed when hire vehicles could not operate over long distances.

Hertsmere Borough Council licensed private hire operators can only despatch private hire vehicles that are licensed by, and driven by drivers licensed by, Hertsmere Borough Council.

This rule is called the “triple lock” and applies to each local authority area where an operator is based. A Newcastle licensed operator can only despatch Newcastle licensed vehicles, an Oxford licensed operator Oxford vehicles and so forth.

Operators are not, however, restricted to only accept bookings in, or despatch vehicles to, their own local authority areas. This means that you can, if you wish, call an operator in Newcastle and ask them to despatch a vehicle to you in Hertsmere. This would be lawful (if the vehicle and its driver are both licensed by Newcastle).

Since 2016 the legislation has allowed an operator to sub-contact a booking to another operator anywhere in England and Wales. In some instances this means that a licensed operator may be a large regional or national firm with licences in many districts.

Some operators hold licences in local authority areas that they do not have a physical presence in, advertise in or even serve. This can mean that the a private hire vehicle and driver sent to you, are licensed by a Council many miles away

Steps to protect yourself

If you book a vehicle through a Hertsmere Licensed Private Hire operator, they remain responsible for your booking even if they sub-contract it to another operator.

You can complain to that operator and the Council if things go wrong with that booking.

For your additional protection you are also entitled to ask for that operator to only despatch a Hertsmere licensed vehicle to you and ask for them to not sub-contract to any other operator without your consent.

Out of District Hackney Carriages

Due to Hertsmere proximity to London There are a number of London style black cabs operating in our area as well as across Hertfordshire. As these are not licensed by Hertsmere they cannot be flagged down by you or approached at a rank in the borough. However they are able to take “private bookings” through an operator anywhere in the country regardless of where the driver and vehicle are licensed.

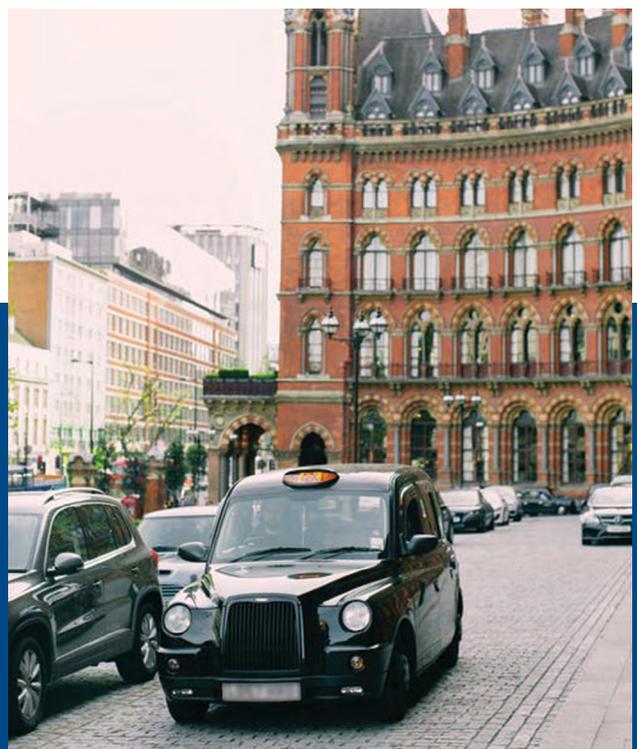
Staying Safe

Cross border hiring can be confusing, but the principles set out in this guide remain the same.

You can only get into a Hertsmere licensed Hackney carriage without pre-booking. All other vehicles **must** be pre-booked.

You can choose to contact any operator you wish, no matter where they are located and who they are licensed by.

However, please remember, if the operator, the vehicle or the driver are not licensed by Hertsmere Borough Council, we cannot investigate if things go wrong. You will need to contact the Council that licensed the operator/vehicle/driver sent to you.



When and how to complain to the Council

Complaints are split into two categories

Type of complaint	Examples
<p>1. Conduct complaints These relate to the behaviour/ actions of the driver or operator. Complain to the Council</p>	<ul style="list-style-type: none"> • The driver was rude, aggressive or said inappropriate things; • The driver overcharged; • The driver did something unlawful (speeding; refused a passenger in a wheelchair) etc.
<p>2. Service complaints Where there was not anything wrong with the conduct of the driver/operator but the service was not provided to your satisfaction. Complain to the service provider</p>	<ul style="list-style-type: none"> • The driver being late; • The operator despatched a different vehicle to that requested; • The driver getting briefly lost or parking in the wrong place; • The journey was not as comfortable as you would have liked.

Conduct complaints

Issues relating to the conduct of a driver or operator should be made to the Council as soon as possible. The Council are responsible for ensuring that licence holders are “fit and proper”.

Whilst most licence holders are fit and proper – honest, polite, safe drivers who conduct themselves with integrity, there can be instances where a driver or operator acts in a manner which is not appropriate.

Even if you wish to complain to an operator about one of their drivers you should still notify the Council. By doing so you allow us to ensure that other members of the public are safe.



Service complaints

Generally, the Council cannot resolve complaints about service. Your complaint should be made to the service provider – i.e. the private hire operator. It is the service provider’s responsibility to address your concerns about their service.

Operators are conditioned by the Council to have a complaints procedure and to record complaints made. The Council can monitor operators by reviewing their records.

If the service provider was a hackney carriage driver who you booked directly, you can complain to the Council as this allows us to monitor the public hire service provision.

You can report any issue to the Council and all will be recorded. Complaints that relate only to ‘service’ shall not normally be investigated.

The Council cannot resolve service complaints, refund you or assist you in getting compensation. Aggrieved passengers must deal with this as a private civil claim.

However, should you not be happy about the Operators conduct in responding to a complaint this can be investigated by the Council.

How to make a complaint

The Council needs all complaints in writing to comply with relevant legal requirements should action be taken. You can email: taxi.licensing@hertsmere.gov.uk

Passengers are welcome to call to discuss the matter with an officer and where a matter is urgent this is encouraged.

However the officer will ask for the matter to be documented in writing.

How we investigate a complaint and the actions we may take are explained below.

Complaint in writing

When investigating offences Council officers have to comply with specific legal requirements. The failure to do so can result in an investigation being undermined and no action taken.

Complaints in writing protect licence holders from malicious complaints and officers from accusations of treating licence holders unfairly. Sometimes an officer can take notes of a conversation with you and ask you to sign to confirm their accuracy.

Details required

The more details you can provide about a matter the better. This can include any documentary evidence you have such as communication from the operator or photographs.

We generally need at least the plate number displayed on the vehicle or the registration number. The make, model and colour of the vehicle and a description of the driver will also be helpful, along with any conversation that occurred.

Formal witness statement

Sometimes you may be asked to complete a formal witness statement. This will usually be where a criminal offence is alleged and the only person who witnessed it is you.

A witness statement may be required from the outset in respect to a serious matter or at a later stage should it become necessary.

Investigation

Investigations can be carried out in a variety of ways. Often, they will involve talking to you (the complainant), any witnesses, operators and drivers. We will also review any documentary evidence available.

A person accused of an offence could be invited into the Council offices for a formal tape-recorded interview under caution.

The decision on what action to take in respect to a complaint will be made by officers on the basis of the evidence that it has obtained and the nature of the offence suspected.

Action

Any action taken depends on the nature of the allegation, the evidence that the Council has and sometimes the willingness of witnesses. Where there is insufficient evidence no action can be taken. In other cases letters of advice or a warning may be issued and Officers may suspend or revoke a licence.

A driver may be referred to a licensing sub-committee or prosecuted at Court. It may be necessary for you to attend these hearings as a witness.

This can seem quite daunting – but you should not let this put you off complaining. You can decide whether or not you want to proceed with a complaint or attend these hearings at a much later date if it becomes necessary.

Anonymous complaints

In some instances, an anonymous complaint may be used as a source of intelligence that influences a future action but generally the Council will not investigate an anonymous complaint.

Protecting your identity

Everyone has a right to a fair hearing and a person alleged to have committed an offence is entitled to know who has complained about them. Sometimes the nature of a complaint will identify you to the person complained about.

We will not disclose your identity until it becomes legally necessary – and only then will we do so with your consent.

Outcome of an investigation

Once a complaint has been investigated the Council will report back to you its findings and any action taken.

If you are not satisfied with any action taken the Council has its own complaints, comments and compliments procedure that you can report the matter to.