



## Licensing and Regulatory Committee 9 March 2009

### Proposed Changes to Hackney Carriage/Private Hire Conditions, Policy and Guidance

<p><b>1. Recommendations</b></p> <p>1.1 It is <b>Recommended</b> that the:-</p> <ul style="list-style-type: none"><li>(1) proposed changes to the Hackney Carriage/Private Hire Conditions, Policy and Guidance, attached as Appendices A, B, C and D to Report Z579, be adopted; and</li><li>(2) the Licensing Services Manager be granted delegated authority to amend the Guidance for Hackney Carriage and Private Hire Licence applicants only so far as to take account of any procedural changes or changes in legislation.</li></ul>
<p><b>2. Corporate Objectives</b></p> <p>2.1 The recommendations meet the following as contained within the Corporate Plan:-</p> <ul style="list-style-type: none"><li>(a) improving the safety and well being of the community; and</li><li>(b) securing a sustainable and attractive environment.</li></ul>
<p><b>3. Key Issues</b></p> <p>3.1 The conditions for Hackney Carriage and Private Hire Vehicles, Drivers and Operators were last reviewed in 2005.</p> <p>3.2 The current Conditions, Policy and Guidance have been reviewed and updated, with an emphasis on Plain English for ease of understanding, and a removal of the size restrictions on advertising for private hire vehicles.</p> <p>3.3 The key changes proposed are set out below:-</p> <ul style="list-style-type: none"><li>(1) a requirement that all new applicants complete a satisfactory assessment of their driving skills before a licence is granted. The assessment is reflective of modern driving practices. The standard is set at a level suitable for the full driving licence holder, which is therefore higher than the learner driver test (<b>Report Z575 refers</b>);</li><li>(2) a change to the penalties to drivers for breach of condition or offences against the relevant Acts. This includes an option for drivers to be</li></ul>

required, in certain circumstances, to complete a satisfactory assessment by the Driving Standards Agency and, where necessary, to suspend the driver on public safety grounds until the assessment has been completed **(Report Z576 refers)**.

**4. Background**

- 4.1 The Conditions of Licence, Policy and Guidance were last reviewed by the Licensing Team in 2005. It is good practice to review policies at least every four years.
- 4.2 Since the last review of the Conditions of Licence the Council has de-restricted the number of Hackney Carriages licensed in the Borough and adopted a change to the frequency of Group II medicals required for drivers to bring them in line with the standards for drivers of other public service vehicles.

**5. Options Considered**

- 5.1 The first option considered is to take no action and leave the existing Conditions, Policy and Guidance as adopted in 2005. One disadvantage of this is that to date it has not been possible to update the guidance to reflect changes to legislation and other policies because officers do not, at present, have the delegated authority to do this. As a result the Licensing Team has not been able to publish accurate guidance to applicants.
- 5.2 The second option is to adopt the Conditions, Policy and Guidance as attached to Report Z579 in the following Appendices:-
- A: Private Hire Operators
  - B: Private Hire Vehicles
  - C: Hackney Carriage Vehicles
  - D: Hackney Carriage/Private Hire Drivers
- subject to any changes approved by the Committee following their consideration of Reports Z575 and Z576.

**6. Consultation**

- 6.1 Consultation has taken place with:-
- (1) Hackney Carriage Proprietors, Private Hire Operators and drivers of Hackney Carriage and Private Hire Vehicles. A summary of the original proposals submitted to the trade, is attached as Appendix E to this report, and a summary of responses to the proposed change of conditions is attached as Appendix F to this report. A total of 145 licence holders were consulted and a sample 18.6% responded. In addition a general petition objecting to the proposed changes was received, signed by 101 people; and
  - (2) the Portfolio Holder for Community and all Councillors, Heads of Service, the Communications Unit and relevant team leaders.

**7. Resource Implications**

- 7.1 None.

**8. Legal or Policy Implications**

- 8.1 Legislation allows a local authority to satisfy itself that an applicant for a driver's licence is both physically fit and a proper person to hold a licence. The Council is entitled to set its criteria to satisfy itself of those requirements.
- 8.2 Members are required to have regard to the provisions of Article 1 (Protection and Property) of the First Protocol to the European Convention of Human Rights.

<b>Wards affected</b>	All	<b>Portfolio Holder</b>	Community
<b>Background Papers</b>		<b>Decision</b>	

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ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE OPERATORS LICENCES

GUIDANCE NOTES

1. Please submit the correct fee with your application.
2. Your operation/business may require planning permission. Please check with the Planning Department at St Edmundsbury House, Western Way, Bury St Edmunds (Telephone Planning Helpdesk 01284 757675)  
  
The grant of an operators licence does not guarantee the grant of planning consent by the council as local planning authority.  
  
If you rent your property please check with your landlord that you have his approval.
3. In addition to your application you will need to provide evidence that you (or any directors or partners in the business) have no unspent convictions for an offence which would disqualify you from holding a licence. Please submit with your application a basic disclosure from CRB Scotland, or a Police subject access search.
4. A licence may be granted for a maximum of five years from date of issue.
5. An operator is subject to the licence conditions which are published on the council website, [www.stedmundsbury.gov.uk](http://www.stedmundsbury.gov.uk). If you need a paper copy, please contact the licensing team. Please ensure you have read and understand the conditions as you will need to comply with them if a licence is granted.
6. The following vehicles do not need to be licensed for private hire work:
  - \* Funeral Cars - vehicles used wholly or mainly for funerals by a Funeral Director do not need to be licensed for private hire work.
  - \* Wedding Cars - vehicles used solely for weddings need not be licensed as private hire vehicles.
8. While the licensing team is happy to provide advice where it can, you can also seek your own independent legal advice.

## 9. Penalties

If you do not comply with the law, or any of the conditions attached to your licence, if granted, the council may take the following action:

- (1) Investigate the offence and take no further action, or provide verbal or written advice;
- (2) Following investigation, attach points to your Hackney Carriage/Private Hire licence record in accordance with the disciplinary code;
- (3) On proving an offence, offer a formal caution (please note that a formal caution may be brought to the attention of the Courts in any future legal action against you);
- (4) Prosecute you in the Magistrates' Court for the offence committed;  
If you are prosecuted in the Magistrates' Court and you are found guilty of the offence, you could be liable to a fine of up to level 3 on the Standard Scale (£1000).
- (5) In certain circumstances, the council may also decide to suspend, revoke or refuse to renew your licence. This action may be taken either by an officer of the council, or by the Licensing and Regulatory Sub-Committee. If the matter is referred to the committee, you will have a right to present your case. In all cases, you will have a right of appeal to the Magistrates' Court against the decision taken by the council.

Where an officer is investigating a complaint, or information has been brought against you which gives **serious** concern for public safety, your licence may be suspended with immediate effect until such time as the investigation can be concluded.

## 10. Disciplinary Code

The Disciplinary Code ("the Code") is issued by the council and explains how it will deal with breaches of the licence conditions.

The council will explain to you what action it is going to take in writing. Where the council has had to take action using the code on a number of occasions during a two year period then it may decide to revoke, suspend or refuse to renew your licence.

## 11. Appeals

You will have a right of appeal to the Magistrates' Court within 21 days of being notified of the decision in writing if:

- i) your application is refused,
- ii) you think any condition attached to a licence is unreasonable, or
- iii) your licence(s) is suspended, revoked or not renewed.

## 12. Amendment to Conditions

The council may add to, delete, or amend any of its conditions, but it will normally carry out a consultation of those affected before doing so. If it is necessary to amend conditions to reflect a change in the law, the council will do so, and the changes will come into effect as soon as you are notified in writing. This means that immediately upon such notification the licence will be subject to such amended conditions with immediate effect.

Notification will be taken to have been given by the council in writing to the licensee at the address shown on the face of the licence.

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**ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**PRIVATE HIRE OPERATORS LICENCES**

**POLICY**

1. The council will only grant an operator licence where it is satisfied that:
  - a. the applicant (including any partners or directors in the business) has no unspent convictions for offences which would disqualify the applicant from holding a licence; and
  - b. the applicant holds a valid public liability insurance certificate in a sum of not less than £5,000,000.
2. Where any subsequent legislation requires additional checks or criteria to be met, the council will only grant an operator licence where it is satisfied that these checks or criteria have been met.

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**ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**PRIVATE HIRE OPERATORS LICENCES**

**CONDITIONS**

**DEFINITIONS**

"**Act**" means the Local Government (Miscellaneous Provisions) Act 1976.

"**authorised officer**" means any person for the time being authorised in writing by the council.

"**badge**" means the identification badge issued by the council to a driver of a vehicle under the provisions of Section 54 of the Act.

"**council**" means St Edmundsbury Borough Council which is the licensing authority under the provisions of Part II of the Act.

"**driver**" means the person licensed to drive the vehicle in accordance with the provisions of Section 51 of the Act.

"**hackney carriage stand**" means an area of the highway specified in a road traffic order and delineated on the highway as a hackney carriage stand

"**licence**" means the operators licence issued by the council in accordance with the provisions of Section 55 of the Act.

"**licence holder**" means the person who is the owner or part owner or lessee of a vehicle.

"**licensed vehicle**" means a vehicle which has been licensed by the council as a private hire vehicle.

"**licensee**" means any person licensed by the council to operate a private hire business.

"**operator**" means the person having control of the private hire business and to whom an operators licence has been issued in accordance with the provisions of the Act.

"**premises**" means the premises from which the operator runs the private hire business.

"**private hire drivers licence**" means a licence issued by the council to a person to drive a vehicle.

"**records**" means the records required to be kept by the operator in accordance with the provisions of Section 56(2) of the Act.

"**vehicle**" means a private hire vehicle which is a motor vehicle constructed or adapted to carry fewer than 9 passengers (other than a hackney carriage or public service vehicle), which is provided for hire with the services of a driver for the purpose of carrying passengers, and shall include a hackney carriage vehicle licensed as such by the council which is being used to fulfil the role of a private hire vehicle.

"**vehicle licence**" means the vehicle licence issued by the council in accordance with the provisions of Section 48 of the Act.

1. An operator shall not include in his/her trading title, or in any advertising, any reference to "taxi" "taxi cab" or "cab" or any other description which may suggest the operation of a hackney carriage business.
2. An operator shall not permit a roof sign of any design to be put on any licensed vehicle.
3. Record of Bookings
  - (1) The operator shall ensure that the following details are recorded, and records maintained, of every booking of a vehicle accepted:
    - (a) the time and date of the booking;
    - (b) the name and address of the hirer;



- (c) how the booking was made (i.e. by telephone, personal call, etc);
  - (d) the time of pick-up;
  - (e) the point of pick-up;
  - (f) the destination;
  - (g) the time at which a driver was allocated to the booking together with any radio call sign used;
  - (h) remarks.
- (2) An operator shall permanently display in a prominent position at the premises details of all vehicles operating under the licence, which shall include the following:-
- (a) the make and registration number
  - (b) the Plate number
  - (c) the name and address of the licence holder
- (3) An operator shall permanently display in a prominent position at the premises details of all drivers engaged to drive any vehicle operated by him which shall include the following:-
- (a) Full name of Driver
  - (b) Driver Badge number.
- (4) The operator shall ensure that the records mentioned in 3 (1), (2), and (3) above can be extracted at all reasonable times and without notice. at the request of a police constable or authorised officer of the council, and such officers shall be empowered to photocopy, request a printout and/or remove such records from the premises if so required.
- (5) All records kept by the operator shall be kept for a period of not less than six months following the date of the last entry.
4. The operator shall display at all times in a prominent position inside the premises, so that they can be easily read by any person(s) seeking to hire any vehicle, the following
- (i) the operators licence
  - (ii) public liability insurance certificate in a sum for not less than £5,000,000
  - (iii) any licence held to operate radio/telephone communications; and
  - (iv) a properly printed notice to the effect that:
    - (a) any complaints regarding a contract for hire relating to his/her business should be addressed to the Licensing Services Manager, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU; and that
    - (b) the council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the operator, the

fare should be agreed between the operator and the hirer before the journey commences.

or where the operator has a fare scale, the operator shall display in a prominent position a properly printed notice of the fare scale in operation being an accurate reflection of the charge, including any specific additions (i.e. Bank Holidays and after midnight loadings) the customer may be expected to pay.

*NOTE:- If a hackney carriage is used to fulfil the role of a private hire vehicle then that vehicle remains a hackney carriage for the purpose of fare charging and not more than the meter tariff can be charged from the point of pick-up to the point of destination.*

5. No vehicle, other than a licensed vehicle or a hackney carriage vehicle shall be used for the purpose of private hire journeys.

6. Standard of Service

(1) The operator shall ensure that when fulfilling a booking the number of passengers carried does not exceed the authorised number of passengers for that vehicle.

(2) The operator shall ensure that legal obligations regarding the use of seat belts by both adults and children under 14 years of age shall be complied with at all times. See Use of Seat Belt Guidance Notes.

(3) The operator shall:

(a) ensure that when a vehicle has been hired to be in attendance at an appointed time and place, unless delayed or prevented by sufficient cause, the driver of the vehicle despatched punctually attends at that appointed time and place;

(b) ensure that any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting are kept clean, adequately heated, ventilated and lit;

(c) ensure that any waiting area provided by the operator at the premises has adequate seating facilities.

(d) ensure that any waiting area provided by the operator complies with any other legal requirements.

7. Communications

The operator shall ensure that where radio is used, an appropriate licence from the Office of Communications is held and available for inspection.

The use of scanning equipment is prohibited.

8. Parking

- (1) The operator shall not cause or permit any driver of a licensed vehicle to:
- (a) communicate to any individual that the licensed vehicle (s)he is driving is available for immediate hire
  - (b) park the vehicle on any hackney carriage stand for any reason or stand or ply for hire or offer the vehicle for immediate hire while (s)he or that vehicle is on a road or other public place  
nb. merely parking that vehicle on a road or other public place shall not itself be deemed to be a breach of this condition; or
  - (c) accept an offer for the immediate hire of the vehicle while (s)he or that vehicle is on a road or other public place except where such offer is first communicated to him/her in person by the operator by telephone, radio or data transfer without the driver in anyway procuring the offer.

9. Accidents and Damage to Vehicles

The operator shall notify the council of any accidents, incidents or damage caused to any licensed vehicle within 72 hours of any accident occurring.

10. Change of Address

The operator shall notify the council in writing of:

- (a) any change of address, including the address of the premises from which (s)he operates; or
- (b) any other change affecting this licence during the period of the licence within 7 days of the change taking place.

11. Drivers

- (1) The operator shall not employ or otherwise engage whether directly or indirectly, or allow or suffer any person to drive any licensed vehicle unless that person has a current Hackney Carriage/Private Hire Drivers licence granted by the council.

12. Convictions

The operator shall within 7 days disclose to the council in writing details of any conviction imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976

PRIVATE HIRE VEHICLE LICENCE

GUIDANCE NOTES

1. Your application must include the following:-
  - (a) the appropriate fees for the licence, test and plate(s);
  - (b) the vehicle registration document;
  - (c) the vehicle MOT certificate (if appropriate);
  - (d) a current certificate of insurance or cover note which clearly indicates those drivers in addition to the owner of the vehicle who are covered, and that the vehicle is insured for private hire
2. You will also need to contact the Licensing team at West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU, (telephone 01284 757103) to arrange a date for your vehicle inspection. This is to ensure the vehicle meets the council's standards for private hire vehicles.
3. If you cannot attend the test booked, please contact the licensing team to arrange another date and time. You may be charged a fee of £20 if you fail to attend a test without prior notification to the licensing team.
4. If the vehicle passes the test the licence may be granted for a maximum of 12 months. You must read and comply with the conditions attached to the licence document.

NOTE: Any person who drives a licensed private hire vehicle MUST hold a combined hackney carriage/private hire driver licence issued by the council. **This means that if the vehicle is also used by persons other than the licence holder for social, domestic and pleasure purposes, they too must be licensed by the council.**

5. Certain exemptions apply, namely
  - Funeral Cars – vehicles used wholly or mainly for funerals by a Funeral Director do not need to be licensed for private hire work
  - Wedding Cars – vehicles used solely for weddings need not be licensed as private hire vehicles.
6. While the licensing team is happy to assist and advise you, you may also seek your own independent legal advice.
7. Licence Renewal

Your application to renew should be submitted at least three weeks before the expiry date of your licence. This is because at certain times of the year (for example, December and January) the vehicle testing station is very busy and it is not always possible to book a test in the same week.

If your licence has expired you will not be able to use the vehicle for private hire until it has been renewed.

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8. Complaints

You will be advised of any complaints made against you and given the opportunity to explain the circumstances.

9. Penalties

If you do not comply with the law, or any of the conditions attached to your licence, if granted, the council may take the following action:

- (1) Investigate the offence and take no further action, or provide verbal or written advice;
- (2) Following investigation, attach points to your private hire vehicle licence record in accordance with the disciplinary code;
- (3) On proving an offence, offer a formal caution (please note that a formal caution may be brought to the attention of the courts in any future legal action against you);
- (4) Prosecute you in the Magistrates' Court for the offence committed. If you are prosecuted and you are found guilty of the offence for which you have been charged, you could be liable to a fine of up to level 3 on the Standard Scale (£1000);
- (5) In certain circumstances, the council may also decide to suspend, revoke or refuse to renew your licence. This action may be taken either by an officer of the council, or by the Licensing and Regulatory Sub-Committee. If the matter is referred to the committee, you will have a right to present your case. In all cases, you will have a right of appeal to the Magistrates' Court against the decision taken by the council.

10. Disciplinary Code

The Disciplinary Code ("the Code") is issued by the council and explains how it will deal with breaches of the licence conditions.

The council will explain to you in writing what action it is going to take. Where the council has had to take action using the code and you have accrued more than ten penalty points during a two year period then it may decide to suspend, revoke or refuse to renew your licence.

11. Appeal

You will have the right of appeal to the Magistrates' Court of the decision being notified to you in writing

- if your application is refused,
- if you think any condition attached to a licence is unreasonable, or
- if your licence is suspended, revoked or not renewed.

12. Amendment to Conditions

The council may add to, delete, or amend any of its conditions, but it will normally carry out a consultation of those affected before doing so. If it is necessary to amend conditions to reflect a change in the law, the council will do so, and the changes will come into effect as soon as the operator is notified in writing. This means that immediately upon such notification your Licence will be subject to such amended conditions with immediate effect.

Notification will be taken to have been given by the council in writing to you at the address shown on the face of your licence.

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**ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976**

**PRIVATE HIRE VEHICLE LICENCE HOLDERS**

**POLICY**

1. Type of Vehicles

- (1) The vehicle licence holder must ensure that the vehicle:-
- (a) has an engine size of more than 1300 cc
  - (b) is right hand drive, unless authorised by the council (exception – see Stretched Vehicles)
  - (c) has at least four doors
  - (d) has a capacity for at least 4 adult passengers
  - (e) Where a vehicle has seating for between 5 and 8 passengers, the vehicle must:-
    - (i) have all passenger seats facing the front, unless the vehicle is designed and constructed to carry wheelchairs.
    - (ii) have a separate passenger seat from the Driver in the front compartment.

2. Stretched Vehicles (ie Limousines)

- (1)
  - (a) must be a saloon type vehicle and which has been approved by a QVM or CMC programme;
  - (b) the vehicle may be left or right hand drive;
  - (c) any stretched vehicles will be subject to a twice yearly mechanical inspection;
  - (d) the licence holder must maintain a log of servicing and repairs to the vehicle with receipts for parts and labour which shall be made available for inspection to an authorised officer on request.

3. Trailers

- (a) No trailer shall be towed by a private hire vehicle unless it has been tested and issued with a vehicle plate by the council.
- (b) Trailers submitted for testing must be hard bodied, weather proof and fitted with a securely fastened cover. Towing equipment must apply to current legislation.
- (c) Any trailer plated by the council shall be subject to any additional mechanical inspections required by a police constable or authorised officer of the council.



4. Tinted Windows

Any tinted window in the vehicle (including any window covered by film or other material applied to the glazing) must comply with current legislation. Up to date details of current requirements will be published on the council website.

5. Passenger Tail Lifts

Vehicles fitted with passenger tail lifts are required to have a Lifting Operations & Lifting Equipment Regulations 1998, (LOLER), bi-annual certification. This must be presented at the time of the annual inspection of the vehicle for the purposes of issuing the vehicle licence.

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**PRIVATE HIRE VEHICLE LICENCE HOLDERS**

**CONDITIONS**

**DEFINITIONS**

**"Act"** means the Local Government (Miscellaneous) Provisions Act 1976.

**"Authorised officer"** means the council's officer(s) for the time being or any other person authorised in writing by the council.

**"council"** means St Edmundsbury Borough Council which is the licensing authority under the provisions of Part II of the Act.

**"driver"** means the person licensed to drive the vehicle in accordance with the provisions of Section 51 of the Act.

**"licence"** means the vehicle licence issued by the council in accordance with the provisions of Section 48 of the Act.

**"licence holder"** means the person who is the owner or part owner or lessee of a Vehicle.

**"plate"** and **"internal plate"** means the licence plates issued by the council to identify a vehicle which has been licensed by it in accordance with the provisions of Section 48 of the Act.

**"vehicle"** means a private hire vehicle which is a motor vehicle constructed or adapted to carry fewer than 9 passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

1. The licence holder shall ensure that:-
  - (a) any person in the vehicle may communicate with the driver at any time;
  - (b) At least one window on each side of the vehicle can be opened and closed;
  - (c) the seats of the vehicle are properly cushioned or covered;
  - (d) the floor of the vehicle is fitted with a proper carpet, mat, or other suitable covering;
  - (e) the fittings and furniture of the vehicle are kept in a clean condition, and maintained so that they are fit for the purpose of conveying fare paying passengers;

- (f) it is possible to secure luggage if the Vehicle is constructed so that luggage can be carried;
- (g)
  - i) an efficient fire extinguisher, and
  - ii) a first aid kiteach marked with the vehicle plate number, and which meet the specification published by the council at any time, are carried in the vehicle in a secured and clearly identifiable position.
- (h) the council is notified in writing within 7 days of him/her changing the operator through whom he/she works.
- (i) a copy of these conditions is kept in the Vehicle at all times and is made available for inspection by a member of the public on demand.

### 3. Stretched Vehicles

- (1) The licensee shall provide:-
  - i) two efficient fire extinguishers, and
  - ii) a first aid kiteach marked with the vehicle plate number, and which meet the specification published by the council at any time, in the Vehicle in a secured and clearly identifiable position.
- (2) The licensee shall not supply any intoxicating liquor in the vehicle unless there is in force a premises licence for the premises at which the sale takes place.
- (3) The licensee shall at all other times comply with the standard conditions made by the council with regard to private hire vehicle licences.

### 4. Use of Trailers

- (1) No trailer shall be towed when the vehicle is used for hire unless it complies with all relevant requirements of current legislation in respect of construction and use, lighting and insurance and is plated by the council.
- (2) A spare wheel and tyre for the trailer shall be carried when a trailer is in use.
- (3) When a trailer is used with the vehicle, the identifying plate issued by the council shall be displayed on the rear of the trailer.

5. Licence Plates

- (a) The plate issued by the council to the licence holder will be for the duration of the licence and shall be permanently secured to the rear exterior of the vehicle and maintained so that it is clearly visible at all times.
- (b) Except where authorised in writing by an authorised officer of the council under Section 75(3) of the Act, the plate shall be fixed and be clearly visible on the outside and on rear of the Vehicle in such a position that the vehicle's registration mark is not obscured.
- (c) The internal plate issued by the council shall be fixed and displayed in the interior front of the vehicle so that it is clearly visible to members of the public at all times.
- (d) If the plates are lost or damaged beyond repair the licence holder shall inform the council immediately. A replacement will be supplied to the licence holder at the published cost.
- (e) Plates, Internal Plates and licences remain the property of the council and shall be returned to the council on demand, or on the expiry of the licence.

6. Inspection of Vehicles

- (a) The licence holder shall permit an authorised officer or any police officer to inspect the vehicle at all reasonable times.
- (b) If the authorised officer or police officer is not satisfied with the condition of the vehicle, the licence holder shall, after being notified in writing, present it for testing at such time and place as is specified in the notice. The time specified shall not be less than 24 hours after sending the notice.
- (c) If the authorised officer or police officer is not satisfied with the condition of the vehicle following a vehicle test, the licence holder shall, if requested by an authorised officer or police officer, remove the plate and internal plate from the vehicle to be kept in the custody of the council until such time as the faults notified to the licence holder in writing have been rectified. The plates will then be returned to licence holder.
- (d) Where a vehicle is tested in accordance with condition 6(b) above and the vehicle is found not to be in a satisfactory condition the council reserves the right to charge the licence holder such sum as shall be determined by the council but which shall not exceed the published test fee.

7. Advertisement and Business Names

- (1) (a) the licence holder shall ensure that any advertisements carried on their vehicles are maintained so that they are clearly visible and have not been disfigured;
- (b) All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority or successor body.

(The council reserves the right to require the licence holder withdraw from display any advertisement which may be considered offensive or inappropriate to a vehicle in public service use).

- (c) No advertisement shall relate to or advertise alcohol, smoking materials or be of a political nature or promote religious organisations or campaigns.
  - (d) No vehicle shall display external advertising from more than one advertiser.
- (2) The licence holder shall not include in any advertisement or promotional material, whether displayed on the vehicle or distributed through any other medium, words, "Cab", "Taxi", "Taxicab", or "For Hire", or any other word or combination of letters which when pronounced would sound similar to those words or suggest to an ordinary person that the vehicle is available for immediate hire.
  - (3) The vehicle shall not be fitted with any roof sign.

8. CCTV

- 1) No form of CCTV camera or other visual recording device shall be positioned in the vehicle without the prior authorisation of the council.
- (2) Where authorised, the licence holder shall display a council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.
- (3) Any visual recording device must be maintained in working order at all times.
- (4) Any images recorded must be stored for at least 28 days and made available to an authorised officer or police officer on request.

9. Communications

The licence holder shall ensure that where radio is used, an appropriate licence from the Office of Communications is held and available for inspection.

The use of scanning equipment is prohibited.

10. Passengers

The licence holder of a multi passenger vehicle shall:-

- (i) ensure that seating arrangements permit all passengers to have unobstructed access to main exit door(s), or
- (ii) display appropriate notices indicating to passengers how best to leave the vehicle in the case of an emergency (including how to lower seat backs or move seats if necessary) and, where emergency egress is through a window of the vehicle, conspicuously provide appropriate equipment to enable passengers to remove or smash the window in order to escape.
- (iii) have emergency exit(s) clearly marked.
- (iv) have sufficient space, separated from the passenger area, at the rear of the vehicle to carry luggage in a manner which ensures the safety of passengers.

The licence holder shall:-

- (1) not carry more passengers than the number of persons specified in the licence;
- (2) not permit children under 10 years of age to be conveyed in the front seat of the vehicle;
- (3) comply with legal obligations regarding the use of seat belts by both adults and children under 14 years of age at all times. See Use of Seat Belt Guidance Notes;
- (4) only convey another person in the vehicle with the consent of the hirer of the vehicle;
- (5) if a meter is fitted in the vehicle:
  - i) have the meter examined by the council; and
  - ii) display a table of fares (not greater than those set and published by the council) in the vehicle so that it is visible to the passengers. The table of fares must include any and all tariffs calibrated on the meter and include a statement that the fares cannot exceed those set and published by the council.

11. Insurance

- (1) The licence holder shall, during the period of the Licence, keep in force a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988, which states the registration number of the vehicle and which provides cover for public and private hire and any licensed driver using the vehicle
- (2) The licence holder shall produce the certificate of insurance for examination by an authorised officer or police officer at their request, either at the time, or at a time specified by the officer.

12. Reporting of Accidents

The licence holder shall notify the council of any accidents, incidents or damage to the licensed vehicle within 72 hours of any accident occurring. A form can be obtained from the council for this purpose.

Following the report of an accident, the vehicle licence holder shall submit the vehicle for testing if requested by the council's authorised officer, and pay such sum as determined by the council.

13. Assignment of Licence

The licence holder shall not assign or in any way part with the benefit of the licence without notifying this to the council in writing not less than seven days before such a transfer, specifying the name and address of the person to whom the vehicle is to be transferred, and submitting the published fee.

14. Notification of Conviction

The licence holder shall within seven days disclose to the council in writing details of any criminal conviction imposed on him/her (or, if the licence holder is a company or partnership, on any of the directors of partners) during the period of the licence.

ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976

HACKNEY CARRIAGE VEHICLE LICENCE HOLDERS

GUIDANCE NOTES

1. Your application must include the following:-
  - (a) the correct fees for the licence, test and plate;
  - (b) the vehicle registration document;
  - (c) a current vehicle MOT certificate **(required following first year of registration)**;
  - (d) a current certificate of insurance or cover note which clearly indicates any drivers in addition to the owner of the vehicle who are covered, and that the vehicle is insured for public hire
  - (e) for new hackney carriage plates issued to a vehicle which is fully wheelchair accessible, side loading and carries an M1 type or EU whole type approval, you will need to provide written evidence from the vehicle supplier that you have completed training on how to use all the equipment and features of their disabled access vehicle.
2. You will need to contact the Licensing Team at West Suffolk House, Western Way, (telephone 01284 757103) to arrange a date for your vehicle inspection. This is to ensure the vehicle meets the council's standards for hackney carriage vehicles.
3. If you cannot attend the test booked, please contact the licensing team to arrange another date and time. You may be charged a fee of £20 if you fail to attend a test without prior notification to the licensing team.
4. If the vehicle passes the test your licence may be granted for a maximum of 12 months. You should read and comply with the conditions attached to the licence document.
5. While the Licensing Team is happy to assist and advise you, you may also seek your own independent legal advice.
6. Licence Renewal

Your appointment to apply to renew your licence should be arranged at least three weeks before the expiry date of your current licence. This is because at certain times of the year (for example, December and January) the vehicle testing station is very busy and it is not always possible to book a test in the same week.

If your licence has expired you will not be able to use the vehicle for private or public hire until it has been renewed.
7. Complaints

You will be advised of any complaints made against you and given the opportunity to explain the circumstances.



## 8. Penalties

If you do not comply with the law, or any of the conditions attached to your licence, if granted, the council may take the following action:

- (1) Investigate the offence and take no further action, or provide verbal or written advice;
- (2) Following investigation, attach points to your hackney carriage licence record in accordance with the disciplinary code;
- (3) On proving an offence, offer a formal caution (please note that a formal caution may be brought to the attention of the Courts in any future legal action against you);
- (4) Prosecute you in the Magistrates' Court for the offence committed;  
If you are prosecuted and you are found guilty, you could be liable to a fine of up to level 3 on the Standard Scale (£1000).
- (5) In certain circumstances, the council may also decide to suspend, revoke or refuse to renew your licence. This action may be taken either by an officer of the council, or by the Licensing and Regulatory Sub-Committee. If the matter is referred to the committee, you will have a right to present your case. In all cases, you will have a right of appeal to the Magistrates' Court against the decision taken by the council.

## 9. Disciplinary Code

The Disciplinary Code ("the Code") is issued by the council and explains how it will deal with breaches of the licence conditions.

The council will explain to you in writing what action it is going to take. Where the council has had to take action using the code on and you have accrued more than ten penalty points during a two year period then it may decide to suspend, revoke or refuse to renew your licence.

## 10. Appeal

You will have the right of appeal to the Magistrates' Court within 21 days of being notified of the decision in writing:

- if your application is refused,
- if you think any condition attached to a licence is unreasonable, or
- if your licence is suspended, revoked or not renewed.

9. Amendment to Conditions

The council may, add to, delete, or amend any of its conditions, but it will normally carry out a consultation of those affected before doing so. If it is necessary to amend conditions to reflect a change in the law, the council will do so, and the changes will come into effect as soon as the operator is notified in writing. This means that immediately upon such notification your licence will be subject to such amended conditions with immediate effect.

Notification will be taken to have been given by the council in writing to you at the address shown on the face of your licence.

**ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976**

**HACKNEY CARRIAGE VEHICLE LICENCE HOLDERS**

**POLICY**

1. Type of Vehicles

- (1) The vehicle licence holder must ensure that the vehicle:-
  - (a) has an engine size of more than 1300 cc
  - (b) is right hand drive;
  - (c) has at least four doors;
  - (d) has a capacity for at least 4 adult passengers; and
  - (e) where a vehicle has seating for between 5 and 8 passengers, the vehicle must:-
    - (i) have all passenger seats facing the front, unless the vehicle is designed and constructed to carry wheelchairs.
    - (ii) have a separate passenger seat from the Driver in the front compartment.
- (2) Any new hackney carriage plate shall only be issued to a vehicle which meets the following specification:
  - (a) a vehicle new on application to the council;
  - (b) a vehicle which is fully wheelchair accessible, side loading and carries an M1 type; and
  - (c) approval for taxis with EC whole vehicle type approval.

2. Disabled Access Vehicles

Vehicles suitable for disabled access must be side loading and meet a category M1 passenger vehicle (that is, a vehicle used for the carriage of passengers and having no more than eight seats in addition to the driver's seat), with EC whole vehicle type approval.

3. Advertising on the Vehicle

Advertising is permitted on any part of the vehicle provided:

- (a) the advertising does not in any way obstruct the visibility of the driver;
- (b) the advertising is suitable for a vehicle in public service and is considered by the council to be in-offensive;

4. Taxi and For Hire Signs

- (a) The taxi meter shall not display a tariff greater than that fixed by the council.
- (b) The vehicle shall display the following signs, which shall be illuminated only when the vehicle is available for hire and the taxi meter is not switched on:
  - (i) A roof sign to a specification determined by the council at any time;
  - (ii) A sign bearing the words "For Hire" fitted so that it is visible to any passenger on entering the vehicle.

5. Taxi Meters

- (a) The actuating device for the taxi meters must operate direct from the "For Hire" position to "Hired" and must pass through the "Stopped" or "Fare" position BEFORE being returned to the "For Hire" position
- (b) Every taxi meter must be capable of being sealed and must be re-sealed after the seal has been broken for the purpose of maintenance or repair by a main dealer.

6. Inspection of Vehicle and Taxi Meter

- (a) A vehicle and any taxi meter affixed to the vehicle may be inspected by an authorised officer of the council or by a Police Officer at all reasonable times.
- (b) If the authorised officer or police officer inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may give written notice to the licence holder to make the vehicle and/or taxi meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the authorised officer or police officer is satisfied as to the vehicle's fitness or the accuracy of the taxi meter.
- (c) If the authorised officer or police officer is not so satisfied within 2 months of the initial inspection, the licence shall be deemed revoked.

**ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976**

**HACKNEY CARRIAGE VEHICLE LICENCE**

**CONDITIONS**

**DEFINITIONS**

**"Act"** means the Local Government (Miscellaneous) Provisions Act 1976.

**"Authorised Officer"** means the council's officer(s) for the time being authorised in writing by the council.

**"council"** means St Edmundsbury Borough Council which is the licensing authority under the provisions of Part II of the Act.

**"Driver"** means the person licensed to drive the Vehicle in accordance with provisions of Section 51 of the Act.

**"Licence"** means the vehicle licence issued by the council in accordance with the provisions of Section 48 of the Act.

**"Licence Holder"** means the person who is the owner or part owner or lessee of a Vehicle.

**"Plate"** and **"Internal Plate"** means the licence plates issued by the council to identify a Vehicle which has been licensed by it in accordance with the provisions of Section 48 of the Act.

**"Vehicle"** means a hackney carriage vehicle which is a motor vehicle constructed or adapted to carry fewer than 9 passengers, which is provided for hire with the services of a driver for the purpose of carrying passengers.

1. The Licence Holder shall ensure that:-
  - (a) Any person in the Vehicle is able to communicate with the driver at any time.
  - (b) At least one window on each side of the vehicle can be opened and closed;
  - (c) the seats of the Vehicle are properly cushioned or covered.
  - (d) the floor of the Vehicle is fitted with a proper carpet, mat, or other suitable covering.
  - (e) The fittings and furniture of the Vehicle are kept in a clean condition, and maintained so that they are fit for the purpose of conveying fare paying passengers.
  - (f) It is possible to secure luggage if the Vehicle is constructed so that luggage can be carried.
  - (g)
    - i) an efficient fire extinguisher: and
    - ii) a first aid kitboth marked with the vehicle plate number, and which meet the specification published by the council at any time, are carried in the Vehicle in a secured and clearly identifiable position.
  - (h) a copy of these Conditions is kept in the Vehicle at all times and is made available for inspection by a member of the public on demand.

2. Inspection of Vehicles

- (a) The licence holder shall permit an Authorised Officer or any police officer to inspect the Vehicle at all reasonable times.
- (b) If the Authorised Officer or police officer is not satisfied with the condition of the Vehicle, the licence holder shall, after being notified in writing, present it for testing at such time and place as is specified in the notice. The time specified shall not be less than 24 hours after sending the notice.
- (c) If the Authorised Officer or police officer is not satisfied with the condition of the Vehicle following a vehicle test, the licence holder shall, if requested by an Authorised Officer or police officer, remove the Plate and Internal Plate from the vehicle to be kept in the custody of the council until such time as the faults notified to the licence holder in writing have been rectified. The plates will then be returned to licence holder.
- (d) Where a vehicle is tested in accordance with condition 6(b) above and the vehicle is found not to be in a satisfactory condition the council reserves the right to charge the Licence holder such sum as shall be determined by the council but which shall not exceed the published test fee.

3. Licence Plates

- (a) The Plate issued by the council to the Licence holder will be for the duration of the Licence and shall be permanently secured to the rear exterior of the vehicle and maintained so that it is clearly visible at all times.
- (b) The Internal Plate issued by the council shall be fixed and displayed in the inside front of the vehicle so that it is clearly visible to members of the public at all times.
- (c) If the Plate and/or Internal Plate are lost or damaged beyond repair the licence holder shall inform the council immediately. A replacement will be supplied to the licence holder at the published cost.
- (d) Plates, Internal Plates and Licences remain the property of the council and shall be returned to the council on demand, or on expiry of the licence.

4. Taxi Meters

- (a) When in use, the meter shall display in clearly legible figures a fare not greater than the tariff set by the council from time to time.

5. Advertising on Outside of Vehicle

- (a) the licence holder shall ensure that any advertisements carried on their vehicles are maintained so that they are clearly visible and have not been disfigured;
- (b) All advertisements on the Vehicle shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority or successor body.

(The council reserves the right to require the licence holder to withdraw from display any advertisement which may be considered offensive or inappropriate to a vehicle in public service use)

- (c) No advertisement shall relate to or advertise alcohol, smoking materials or be of a political nature or religious organisation or campaign.
- (d) No Vehicle shall display external advertising from more than one advertiser.

(6) Passengers

(1) The Licence Holder of a multi passenger vehicle shall:-

- (i) ensure that seating arrangements permit all passengers to have unobstructed access to the main exit door(s); and
- (ii) display appropriate notices indicating to passengers how best to leave the vehicle in the case of an emergency (including how to lower seat backs or move seats if necessary) and, where emergency egress is through a window of the vehicle, conspicuously provide appropriate equipment to enable passengers to remove or smash the window in order to escape.
- (iii) have emergency exit(s) clearly marked.
- (iv) have sufficient space, separated from the passenger area, at the rear of the Vehicle to carry luggage in a manner which ensures the safety of passengers.

(2) The Licence Holder shall:-

- (i) not carry more passengers than the number of persons specified in the Licence.
- (ii) not permit children under 10 years of age to be conveyed in the front seat of the Vehicle.
- (iii) comply with the legal obligations regarding the use of seat belts at all times. See Use of Seat Belt Guidance Notes.

- (iv) not, without the consent of the hirer of a Vehicle convey or permit to be conveyed any other person in that Vehicle.

7. Close Circuit Television (CCTV)

- (1) No form of CCTV camera or other visual recording device shall be positioned in the vehicle without the prior authorisation of the council.
- (2) Where authorised, the licence holder shall display a council approved sign, in a position clearly visible to passengers, warning passengers that camera surveillance equipment may be in operation.
- (3) Any visual recording device must be maintained in working order at all times.
- (4) any images recorded must be stored for at least 28 days and made available to an Authorised Officer or police officer on request.

8. Insurance

- (1) The Licence holder shall, during the period of the Licence, keep in force a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988, which provides cover for public and private hire and any licensed driver using the vehicle.
- (2) The licence holder shall produce the Certificate of Insurance for examination by an authorised officer or police officer at their request, either at the time, or at a time specified by the officer.

9. Communications

The licence holder shall ensure that where radio is used, an appropriate licence from the Office of Communications is held and available for inspection.

The use of scanning equipment is prohibited.

10. Reporting of Accidents

The licence holder shall notify the council of any accidents causing damage to any vehicle within 72 hours of any accident occurring. A form can be obtained from the council for this purpose.

Following the report of an accident, the vehicle licence holder shall submit the vehicle for testing if requested by the council's authorised officer, and pay such sum as determined by the council.

11. Assignment of Licence

The Licence Holder shall not assign or in any way part with the benefit of the Licence without notifying this to the council in writing not less than seven days before such a transfer, specifying the name and address of the person to whom the Vehicle is to be transferred, and submitting the published fee.



12. Notification of Conviction

The Licence holder shall within seven days disclose to the council in writing details of any criminal conviction imposed on him/her (or, if the Licence holder is a company or partnership, on any of the directors of partners) during the period of the Licence.

ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

GUIDANCE NOTES

1. When you make your application, you will need to provide
  - i) A current Driver and Vehicle Licensing Agency (DVLA) drivers licence, including the paper counterpart (or a driver licence from an EU Country or accession state) which has been held for at least 12 months; and
  - ii) Proof of identity in accordance with the Criminal Records Bureau (CRB) requirements and a current address history of at least five years. This is because the council must be satisfied that you have no spent or unspent convictions which would disqualify you from holding a licence. An officer from the licensing team will help you to make your application for an Enhanced Criminal Record Disclosure (enhanced CRB disclosure). You will need to apply for an enhanced CRB disclosure every 3 years.

If you are unable to provide a full five year uk address history, you will also need to provide a certificate of good conduct from the embassy of your home country.
  - iii) Payment of the current enhanced CRB disclosure fee.
2. Once the council has received a satisfactory disclosure from the Criminal Records Bureau, you will also need to provide:
  - i) A DVLA Group II medical (which is not more than six months old) together with a statement confirming that you passed the medical and are fit to drive completed by your General Practitioner;

The Medical Commission on Accident Prevention recommends applicants undergo a medical examination to prove that they meet the medical standards which is applied to Group II drivers. The reason for this is that because professional drivers spend substantially longer at the wheel than private motorists, the risk of sudden illness occurring whilst driving is greater. In particular, the requirements relating to epilepsy, eyesight and diabetes are more stringent.

The council reserves the right to require any applicant to undergo a further full medical examination by a Doctor approved by the council and the Doctor shall provide a written report to the council on the results of such examination. The applicant shall bear the cost of such examination and the preparation of the report.

If you are not satisfied with the report of your own General Practitioner, you can ask the council to refer you to a full examination by a Doctor approved by the council. You will be asked to pay direct to the appointed Doctor the full cost of the examination and preparation of the report.

You will need to complete a medical on first application, on attaining the age of forty five (45) years, every five years after the age of 45 years, and annually from the age of sixty five (65) years.

- ii) a certificate from the Driver Standards Agency (DSA) confirming that you have passed the taxi/hackney carriage assessment.

You will normally only need to provide this on your first application. If a licence is granted, you may be referred back to the DSA for a further assessment in certain circumstances as specified in the council's disciplinary code.

- iii) a colour photograph of yourself which meets the requirements for a passport application, certified as a true likeness by your proposed operator. Alternatively, you can ask a member of the licensing team to take a digital photograph.

- iv) the licence fee

3. A licence may be granted for a maximum of 12 months from date of issue, and is subject to conditions, which will be attached to your licence.

Please feel free to contact the licensing service for advice on the application procedure. You may also seek independent legal advice at any time.

4. Licence Renewal

Your application to renew should be submitted at least two weeks before the expiry date of your licence. You will be asked to present your DVLA driver licence, including the paper counterpart, with your renewal application, and complete a statutory declaration advising the council of any cautions or convictions you have received since your last enhanced CRB disclosure.

If your licence has expired by more than one month your application will be treated as a new application and you will be required to provide the documentation and pay the fees referred to in paragraphs 1 and 2 above.

5. Complaints

You will be advised of any complaints made against you and given the opportunity to explain the circumstances.

6. Penalties

If you do not comply with the law, or any of the conditions attached to your licence, if granted, the council may take the following action:

- Investigate the offence and take no further action, or provide verbal or written advice;
- Following investigation, attach points to your Hackney Carriage/Private hire licence record in accordance with the disciplinary code;

- Following investigation, require you to undertake a further assessment by the DSA. Your licence may be suspended until you are able to provide a certificate to confirm that the assessment was satisfactory.
- On proving an offence, offer a formal caution (please note that a formal caution may be brought to the attention of the Court in any future legal action against you;
- Prosecute you in the Magistrates' Court for the offence committed;  
If you are prosecuted and you are found guilty of the offence for which you have been charged, you could be liable to a fine of up to level 3 on the Standard Scale (£1000).
- In certain circumstances, the council may also decide to suspend, revoke or refuse to renew your licence. This action may be taken either by an officer of the council, or by the Licensing and Regulatory Sub-Committee. If the matter is referred to the committee, you will have a right to present your case. In all cases, you will have a right of appeal to the Magistrates' Court against the decision taken by the council.

## 7. Disciplinary Code

The Disciplinary Code ("the Code") is issued by the council and explains how it will deal with breaches of the licence conditions.

The council will explain to you in writing what action it is going to take. Where the council has had to take action using the code and you have accrued more than ten penalty points during a two year period then it may decide to suspend, revoke or refuse to renew your licence, or to require you to complete a satisfactory driving assessment by an approved organisation within a specified time period, or suspend your licence until you have completed a satisfactory driving standard assessment by an approved organisation.

## 8. Appeal

You will have the right of appeal to the Magistrates' Court within 21 days of being notified in writing of the decision

- i) if your application is refused,
- ii) if you think any condition attached to a licence is unreasonable, or
- iii) if your licence is suspended, revoked or not renewed within 21 days.

## 9. Amendment to Conditions

The council may add to, delete, or amend any of its conditions, but it will normally carry out a consultation of those affected before doing so. If it is necessary to amend conditions to reflect a change in the law, the council will do so, and the changes will come into effect as soon as the operator is notified in writing. This means that immediately upon such notification your licence will be subject to such amended conditions with immediate effect.

Notification will be taken to have been given by the council in writing to you at the address shown on the face of your licence.

**ST EDMUNDSBURY BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

**CONDITIONS**

**DEFINITIONS**

" **Act**" means the Local Government (Miscellaneous Provisions) Act 1976.

"**authorised officer**" means the council's officer(s) for the time being authorised in writing by the council.

"**badge**" means the identification badge issued by the council to a driver in accordance with the provisions of Section 54 of the Act.

"**council**" means St Edmundsbury Borough Council which is the licensing authority under the provisions of Part II of the Act.

"**driver**" means the person licensed to drive the vehicle in accordance with the provisions of Section 51 of the Act (for private hire vehicles) or Section 46 of the Town Police Clauses Act 1847 (for hackney carriage vehicles).

"**hackney carriage**" means a hackney carriage vehicle which is a motor vehicle constructed or adapted to carry fewer than 9 passengers, which is provided for hire with the services of a driver for the purpose of carrying passengers.

"**hackney carriage stand**" means an area of the highway specified in a road traffic order and delineated on the highway as a hackney carriage stand

"**licence**" means the licence issued by the council to a person to drive a vehicle in accordance with the provisions of Section 51 of the Act or Section 46 of the Town Police Clauses Act 1847

"**operator**" means the person having control of the private hire business and to whom an operators licence has been issued in accordance with the provisions of the Act.

"**plate**" and "**internal plate**" means the licence plates issued by the council to identify a vehicle which has been licensed by it in accordance with the provisions of Section 48 of the Act.

"**private hire vehicle**" means a private hire vehicle which is a motor vehicle constructed or adapted to carry fewer than 9 passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

"**vehicle**" means a private hire vehicle or hackney carriage

1. Conduct of Driver

(1) The driver while driving or in charge of a Vehicle shall not:-

- (a) tout or solicit or cause or engage any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any vehicle; and, in the case of a private hire vehicle:
- (b) i) park the vehicle on any hackney carriage stand for any reason; or
- ii) or stand or ply for hire or offer the private hire vehicle for immediate hire while on a road or other public place (parking that private hire vehicle on a road or other public place shall not itself be considered to be a breach of this condition; or

- (c) accept an offer for the immediate hire of the private hire vehicle while the driver or the vehicle is on a road or other public place unless the offer is first communicated to him by his/her private hire operator.

In this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.

(2) The driver shall:-

- (a) take all reasonable steps to ensure the safety and welfare of passengers conveyed in, entering or exiting the vehicle driven by him.
- (b) where the vehicle is constructed or adapted for the transportation of disabled persons, the driver shall, when requested by any person hiring or seeking to hire the vehicle:-
  - (i) convey the disabled passenger and any assistance aids including assistance animals, (such aids/animals to be carried free of charge), unless the driver has a council dispensation displayed in the vehicle, or an exemption certificate.
  - (ii) afford reasonable help to the disabled passenger to get into and out of the vehicle, and where requested, assist them to or from any building.
- (c) treat all members of the public with courtesy and respect;
- (d) dress in clothing and footwear suitable to the public service provided, which is clean, tidy and inoffensive.
- (e) ensure that both the plate and internal plate are always displayed and legible at all times;
- (f) ensure that your badge is displayed in the vehicle at all times so that it is visible to any passenger or member of the public.
- (g) only take refreshment in the vehicle at times when the vehicle is parked and not in service.
- (h) turn any entertainment equipment off or down at the request of any passenger or member of the public.
- (i) carry a reasonable quantity of luggage when requested to do so by any person hiring or seeking to hire the vehicle and offer them all reasonable assistance to load and unload their luggage
- (j) check the vehicle for any lost property between each fare, and hand in any lost property to the police at the earliest opportunity.
- (k) be punctual and take the shortest available route to the destination unless an alternative route is requested by the passenger.

- (l) carry a copy of the conditions at all times when the vehicle is in service and make them available to members of the public on request.
  - (m) when carrying any animal at the request of a passenger, ensure that provision is made to ensure the safety of the animal, passenger and the driver.
2. The driver shall notify the council in writing within 7 days:-
- (a) of any criminal offence for which they have been convicted;
  - (b) of any disqualification from driving they have received;
  - (c) of any endorsement on their DVLA licence for a motoring offence;
  - (d) of any material change to their health since their most recent Group II medical submitted to the council;
  - (e) of any change of their address;
  - (f) of any change in their operator
  - (g) of any accident involving the vehicle whilst they were driving
3. The driver shall not:-
- (a) (i) use any two way radio equipment unless an appropriate licence from the Office of Communications is held by the operator and available for inspection.
  - (ii) use any scanning equipment.
  - (b) carry more passengers than the number specified on the licence;
  - (c) carry any other person in the vehicle without the express consent of any other passengers carried in the vehicle ;
  - (d) carry any animal (other than an assistance animal) in his custody whilst the vehicle is in service.
4. Fares
- (i) The driver shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator, or
  - (ii) The driver shall not cancel or conceal any meter fitted in a vehicle until after the hirer has examined the meter and paid the fare;
  - (iii) The driver shall provide a written receipt to the hirer on request; and

- (iv) In the case of a hackney carriage vehicle the driver shall not charge more than the fare shown on the vehicle's taxi meter.

DRAFT



«Name»  
«Address»  
«Postcode»

**Our ref** Taxi Licensing Consultation  
**Contact** Brenda Wright  
**Direct Dial** 01284 757117  
**E-mail** [licensing@stedsbc.gov.uk](mailto:licensing@stedsbc.gov.uk)

30 January 2009

Dear Sir/Madam

### **Proposed Changes to Taxi and Private Hire Vehicle Licensing: Consultation**

The Licensing Team is considering a number of changes to the way the hackney carriage and private hire service is provided. We would appreciate your views on our proposals so that we can make recommendations to the Licensing and Regulatory Committee on 9 March 2009.

The first matter is a proposal to require all new applicants to complete a satisfactory assessment by the Driving Standards Agency before a licence is granted. The taxi assessment test is reflective of modern driving practices; the standard is set at a level suitable for the full driving licence holder, which is therefore higher than the learner driver test.

Another matter on which the team wishes to consult is changes to licence conditions and disciplinary code. This includes an option for drivers who have accrued more than six points on their DVLA licence within a period of one year to be suspended from driving until satisfactory completion of an assessment by the Driving Standards Agency.

There are also some changes to advertising on vehicles, removing the size restrictions, and a proposal to introduce door stickers with the St Edmundsbury crest for both hackney carriage and private hire vehicles unless an exemption applies.

We are also proposing to simplify the accident reporting procedure, so that it is easier to understand at what point an inspection is required, and what action officers and the depot can take to ensure that they are satisfied that the vehicle is fit to be in service.

Cont'd.

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Finally, the council is also consulting on the fees and charges for hackney carriage and private hire licensing. Those fees which must be advertised will be published in the East Anglian Daily Times, the Bury Free Press and the Haverhill Echo, and also published on the council's website.

There are only two proposed changes. A new charge to cover the cost of the door stickers and a £5 charge (every three years) for a mandate to the DVLA, to enable officers to confirm the details of DVLA paper counterpart licences.

Any objections should be notified in writing not later than 28 days from the date of the published notice to Carole Herries, Head of Environmental Health and Housing, St Edmundsbury Borough Council, Borough Offices, Angel Hill, Bury St Edmunds, Suffolk IP33 1XB.

All of the proposals are published on the council's website, but if you do not have access to the internet please contact this office and we will be pleased to send you a paper copy.

We value your views about any of the proposals set out above. Please complete and return the attached questionnaire by 28 February 2009 using the pre-paid envelope provided.

If you have any queries please call Licensing Services or email us at [licensing@stedsb.gov.uk](mailto:licensing@stedsb.gov.uk).

Yours sincerely



Hilary Workman Cert. HELL  
Licensing Services Manager

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*St Edmundsbury*  
BOROUGH COUNCIL

### Licensing Consultation

1. Do you agree with the proposal to introduce an assessment by the Driving Standards Agency for all new drivers?	
2. Do you agree with the proposed changes to the council's disciplinary code?	
3. Do you have any concerns about the proposed changes to the guidance, policy and conditions of licence?	
4. Do you have any concerns about the proposed DVLA mandate to allow officers to check the paper counterpart of the DVLA licence?	
5. Do you agree with the proposed introduction of door stickers for all hackney carriage and private hire vehicles?	

**Name:**

**Address:**

Do you have any concerns about the proposed changes to the guidance, policy and conditions of licence?

