

Licensing and Regulatory Committee



Forest Heath
District Council

Title:	Agenda												
Date:	Monday 10 April 2017												
Time:	6.00 pm												
Venue:	Council Chamber District Offices College Heath Road Mildenhall												
Full Members:	<p style="text-align: center;">Chairman Michael Anderson</p> <p style="text-align: center;">Vice Chairman Carol Lynch</p> <p><u>Conservative Members (7)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Chris Barker</td> <td style="width: 33%;">Christine Mason</td> <td style="width: 33%;"></td> </tr> <tr> <td>John Bloodworth</td> <td>Nigel Roman</td> <td></td> </tr> <tr> <td>Brian Harvey</td> <td></td> <td></td> </tr> </table> <p><u>West Suffolk Independent Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Ruth Allen</td> <td style="width: 33%;"></td> <td style="width: 33%;">Victor Lukaniuk</td> </tr> </table> <p><u>UKIP Member (1)</u> Reg Silvester</p>	Chris Barker	Christine Mason		John Bloodworth	Nigel Roman		Brian Harvey			Ruth Allen		Victor Lukaniuk
Chris Barker	Christine Mason												
John Bloodworth	Nigel Roman												
Brian Harvey													
Ruth Allen		Victor Lukaniuk											
Substitutes:	Named substitutes are not appointed												
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												
Quorum:	Three Members												
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk												

Agenda

Page No

Procedural Matters

Part 1 - Public

1. Apologies for Absence

2. Substitutes

3. Public Participation

Members of the public who live or work in the District are invited to put one question or statement of not more than three minutes duration relating to items in Part 1 of the agenda only. If a question is asked and answered within three minutes the person who asked the question may ask a supplementary question that arises from the reply. A person wishing to speak must register to speak at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking which may be extended at the Chairman's discretion.

4. Minutes

1 - 4

To confirm the minutes of the meeting held on 23 January 2017 (copy attached).

5. Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators

5 - 90

Report No: **LIC/FH/17/003**

6. Proposals to Revise the Air Quality Management Area Designation in Newmarket

91 - 102

Report No: **LIC/FH/17/004**

Licensing and Regulatory Committee



Forest Heath
District Council

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Monday 23 January 2017** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Michael Anderson

Vice Chairman Carol Lynch

Ruth Allen

Victor Lukaniuk

Chris Barker

Nigel Roman

John Bloodworth

Reg Silvester

Brian Harvey

52. Apologies for Absence

Apologies for absence were received from Councillor Christine Mason.

53. Substitutes

There were no substitutes present at the meeting.

54. Public Participation

There were no questions/statements from members of the public.

55. Minutes

The minutes of the meeting held on 10 October 2016 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

56. Joint West Suffolk Animal Welfare and Boarding Licensing Conditions (Report No: LIC/FH/17/001)

This report sought adoption of the proposed Joint West Suffolk Animal Welfare and Boarding Licensing Conditions, attached to Report No: LIC/FH/17/001 as Appendix 1.

The Service Manager (Environmental Health) explained that Forest Heath District Council adopted conditions in respect of Animal Welfare and Boarding in 2011. Whilst the proposed conditions were based on 2016 guidance there was very little change from 2011.

The version presented to Members for approval was in the form of a joint document which was also due to be considered by St Edmundsbury Borough Council at their Licensing & Regulatory Committee meeting on 24 January 2017. The adoption of joint conditions would ensure consistency across West Suffolk.

The Committee was advised that consultation on the proposed conditions took place during the end of 2016 and no objections were registered.

In response to questions from Members, the Licensing Officer confirmed that the conditions did not apply to the horseracing industry, greyhounds or racing pigeons.

Following comments made by the Committee in respect of compliance with conditions, the Service Manager (Environmental Health) explained that all premises were subject to annual renewal inspections. He reminded Members that West Suffolk had recently increased its enforcement resource and operated a robust service.

The Service Manager further explained that the fees charged had to comply with Government legislation and were, therefore, not able to be used towards enforcement. The fees had to reflect efficiencies in the service and be 'reasonable'.

The Committee were assured that should a breach of conditions be prosecuted in West Suffolk then the Council would always generate press coverage, thereby, informing the rest of the industry of the ramifications involved in non-compliance. Members were also advised that following formal adoption of the conditions before them, a communications plan would be rolled out to inform key stakeholders.

Councillor Carol Lynch spoke in support of the comprehensive report and moved that it be approved, this was duly seconded by Councillor Reg Silvester. With the vote being unanimous, it was

RESOLVED:

That the proposed Joint West Suffolk Animal Welfare and Boarding Licensing Conditions, as set out in Appendix 1 of Report No: LIC/FH/17/001, be adopted.

57. Proposed Joint West Suffolk Sex Establishment Policy (Report No: LIC/FH/17/002)

This report sought the Licensing and Regulatory Committee's approval to recommend the adoption of the proposed Joint West Suffolk Sex Establishment Licensing Policy, attached as Appendix 1 to Report No: LIC/FH/17/002 onto Cabinet on 14 February 2017 and finally Council on 22 February 2017.

The Service Manager (Environmental Health) explained that Forest Heath District Council last adopted a policy in respect of Sex Establishment Licensing in 2013, which was due for review in 2017.

The version presented to Members for approval was in the form of a joint document which was also due to be considered by St Edmundsbury Borough Council at their Licensing & Regulatory Committee meeting on 24 January 2017. The adoption of a joint policy would ensure consistency across West Suffolk.

Councillor Brian Harvey drew attention to Page 48 of the Policy, Paragraph No 5 and the reference therein to "Criminal Record Bureau disclosure", which needed to be amended to read "*Disclosure and Barring Service check*". The Licensing Officer agreed to make this correction.

It was proposed by Councillor Carol Lynch, seconded by Councillor Brian Harvey and with the vote being unanimous, it was

RECOMMENDED:

That the West Suffolk Sex Establishment Licensing Policy, as set out in Appendix 1 of Report No: LIC/FH/17/002, be adopted by Cabinet and Council.

58. Hackney Carriage and Private Hire Taxi Handbook (verbal)

The Service Manager (Environmental Health) advised the Committee that Officers had produced a joint West Suffolk Hackney Carriage and Private Hire Handbook.

Whilst Forest Heath District Council had operated a driver handbook for some years the joint version would be the first for its kind for St Edmundsbury Borough Council, who were also to receive a verbal report on the matter at their meeting on 24 January 2017.

Consultation on the new joint handbook was due to commence imminently and copies were tabled to the meeting for Members to digest and then respond as part of the consultation process.

The Service Manager also proposed that a small informal Working Party/Task and Finish Group be set up with representatives from the Trade alongside Committee Members from both Authorities, in order to work through the proposed handbook. Any Members of the Committee who wished to take part were asked to put their names forward to the Chairman.

RESOLVED:

That the verbal report be noted.

Prior to the conclusion of the meeting, the Chairman asked all Members of the Committee to remain present in order for them to receive a short informal briefing from the Service Manager (Environmental Health) in respect of ongoing work being undertaken in relation to the policy making and implementation process in West Suffolk's Licensing function.

The meeting concluded at 6.42 pm

Signed by:

Chairman

Licensing and Regulatory Committee



Forest Heath
District Council

Title of Report:	Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators	
Report No:	LIC/FH/17/003	
Report to and date/s:	Licensing and Regulatory Committee	10 April 2017
Portfolio holder:	Councillor Lance Stanbury Portfolio Holder for Planning and Regulatory Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk	
Lead officer:	Amanda Garnham Licensing Team Leader Tel: 01284 757132 Email: amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	To seek approval to adopt revised conditions to the existing taxi handbook across both licensing authorities in West Suffolk.	
Recommendation:	It is recommended that the Committee approve and adopt the conditions (attached at Appendix 3 to Report No: LIC/FH/17/003) so that they can be applied by the Licensing Authority.	
	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	<ul style="list-style-type: none"> Undertaken: 6 February – 20 March 2017 	
Alternative option(s):	<ul style="list-style-type: none"> Do nothing – this would result in the conditions becoming out of date and not reflecting either current circumstances or legal standards potentially resulting in lower standards of protection of the public 	
Implications:		
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Keeping our conditions for Drivers and vehicles up to date promotes public safety and ensures drivers meet the fit and proper person test	Medium	Conditions are adopted under the Home Office Guidance to give control and public reassurance	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Original version of FHDC Handbook http://www.westsuffolk.gov.uk/Business/Regulation and Licensing/Licensing/Taxi licensing/upload/FHDC-hackney-carriage-handbook.pdf	
Documents attached:		Appendix 1 – Pre-consultation handbook proposal Appendix 2 – Consultation comments and suggestions Appendix 3 – Proposed new version of the handbook 2017	

Key issues and reasons for recommendation(s)

1. **Background**

1.1 The Council licences the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

2.0 **Conditions**

2.1 The proposed revised handbook is presented at Appendix 3. The main changes to the handbook in terms of the conditions are listed as follows:

- The new Driver application requirement to include a Level 2 qualification covering safety of vulnerable people, disability awareness and customer care adopted by the Council in December 2016
- Requirement for existing drivers to complete basic training covering some of the key issues within the Level 2 qualification
- Requirement that existing drivers undertake the Level 2 qualification for certain breaches of licence conditions
- CRB requirements have changed to a DBS criminal conviction certificate
- Addition of door stickers for private hire vehicles stating "Pre-bookings only, no booking – No Insurance".
- DVLA check changes making them free of charge
- Immigration legislation updates
- Appropriate wording revisions for the dress code for drivers
- For Drivers over 45 years old, to remove the ability to use 'Doctors on Wheels'. Once drivers reach the age of 45, they are required to have a medical every 5 years from this age and more frequently from the age of 65. The need for full medical records is considered a necessity for the fit and proper person test. Doctors on Wheels do not have access to any complicated medical history, only a registered GP would, therefore Doctors on Wheels would not be able to fulfil this requirement.
- Introduction of new disciplinary codes relating to smoking in the vehicle, failure to produce documents, failing to behave in a civil manner towards the public or council staff and refusal to transport assistance dogs
- Equality Act update for wheelchair users.
- Sanctions for drivers who do not complete mandatory training

2.2 The proposed revised handbook reflects some of the changes in the way new and existing drivers will be applying for their licences such as the proposed adoption of the Level 2 Certificate in Taxi and Private hire driving (or equivalent). All proposed changes to the existing handbook conditions have been highlighted in red.

3 **Consultation**

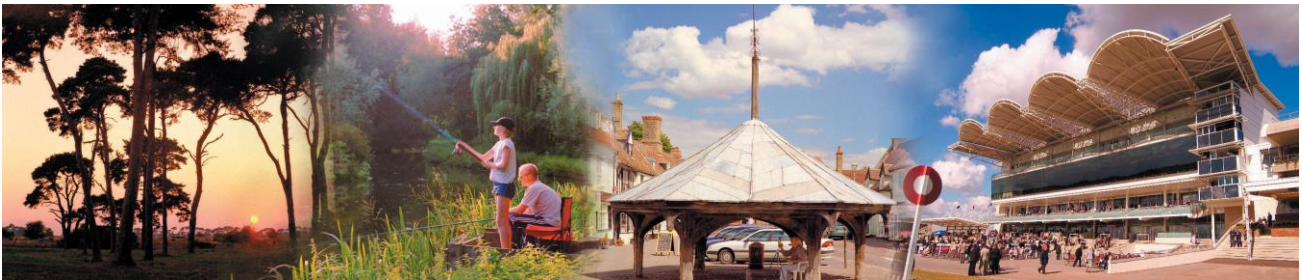
3.1 A formal consultation on the draft revised handbook was undertaken between 6 February and 20 March 2017. The consultation covered both licensing authorities in West Suffolk.

3.2 Prior to commencing the consultation a working party was established comprising of the Committee Chairs, two Members of the Licensing and Regulatory Committees from each Local Authority in West Suffolk and Licensing Officers with the purpose of engaging with stakeholders and providing insight to ensure that changes to the conditions is undertaken fairly and robustly.

- 3.3 Key stakeholders were consulted in a range of ways:
- all Taxi and Private Hire Drivers/Owners/Operators were written to individually and invited to comment on the proposals online via the Council's website, in writing, by phone or in person
 - The public were invited to comment via the Council's website
 - Key stakeholders, including all licensed drivers, were invited to attend a drop-in session with licensing officers and members to discuss the proposed changes
 - Drivers were approached during day-to-day contact with licensing staff to engage in informal discussion about the proposals.
- 3.4 All formal responses received during the consultation were recorded with informal responses considered by the licensing officers and checked that they were fairly represented in the recorded comments. The formal responses are summarised in Appendix 2. All comments were reviewed by the Working Party and relevant revisions to the draft handbook are shown in RED where the Working Party concluded that changes to the consultation version were appropriate.
- 3.5 There was discussion amongst stakeholders with respect to the minimum size of vehicle engines. The Working Party concluded that due to the improvements made in engine efficiency, concern over diesel emissions and air quality and the emerging market for non-internal combustion engines, engine size was set at 1200cc or equivalent. However, the Working Party considered that further research should be undertaken by officers before setting higher standards and that these proposals would be brought forward in a separate report for approval by this Committee at a later date.
- 3.6 In the meantime, the Council would wish to encourage the use of fuel efficient and Ultra Low/Zero Emission Vehicles by taxi drivers in the future. Therefore, the West Suffolk councils will continue to offer a grant to businesses in West Suffolk, called the West Suffolk Greener Business Grant, of up to £1,000 where the applicant can demonstrate significant energy efficiency/Carbon reduction for example through switching to hybrid/plug-in hybrid/electric motive power.
- 3.7 Your officers are in discussion with key organisations, including the Distribution Network Operator (UK Power Networks), with the intention of developing electric vehicle charging infrastructure to allow all electric vehicle drivers access to appropriately rated charging facilities in our key towns.
- 3.8 Finally, your Officers are working with stakeholders in Newmarket, including Newmarket Town Council and the Business Improvement District (BID), to develop actions to tackle local air quality given the fact that the Council has a declared Air Quality Management Area in the town. The anti-idling message will form part of the revised handbook to ensure that taxi drivers play their part in improving air quality in the town and beyond across West Suffolk.

FOREST HEATH DISTRICT COUNCIL

Hackney Carriage and Private Hire Licensing Handbook



Forest Heath
District Council

PORTFOLIO HOLDER:	Lance Stanbury
DOCUMENT AUTHOR:	Amanda Garnham, Sheila Gowans, Licensing Department
DATE DOCUMENT APPROVED AT: -	

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APPENDIX 1 (version of handbook that was consulted on)

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APPENDIX 1 (version of handbook that was consulted on)

INTRODUCTION

Forest Heath District Council licences the following:

Hackney Carriage and Private Hire Vehicle Drivers;
Hackney Carriage Vehicles;
Private Hire Vehicles;
Private Hire Operators.

The relevant legislation includes:

- Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Public Health Act of 1875.

In addition to the statutory requirements, the Council has made byelaws relating to Hackney Carriages. All vehicle drivers are required to comply with the Council's conditions and byelaws and also with general motoring legislation.

The Council aims to promote public safety and confidence in the Hackney Carriage and Private Hire trades by maintaining the highest possible standards. All licensed drivers are expected to conduct themselves in a professional and courteous manner at all times.

With the co-operation of the trade the Council will seek to achieve this aim by:

- Ensuring that all Hackney Carriages and Private Hire Vehicles are mechanically maintained to a high standard and regularly inspected.
- Ensuring that all Hackney Carriage and Private Hire Vehicle drivers are fit and proper persons to act as such.

Information provided to the Licensing Officers will be used for health, safety and licensing purposes. Information may be used for other Council functions, where this is permitted by law. The Council is registered under the Data Protection Act 1998 for these purposes.

The Council is under a duty to protect the public funds it administers, and to this end may use the information you provide for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details

Forest Heath District Council,
College Heath Road,
Mildenhall
Bury St Edmunds
IP28 7EY.

Tel: 01284 758050

Email: licensing@westsuffolk.gov.uk

Web: www.westsuffolk.gov.uk

APPENDIX 1 (version of handbook that was consulted on)

The normal office hours are 8:45am to 5.00pm Monday to Friday. Appointments are required if you need to see an Officer, otherwise documents and forms can be left with customer services in reception.

Payment of Licence Fees

Payments can be made in the following ways:

- By Cheque (payable to Forest Heath District Council)
- By Debit Card or Credit Card (all credit card payments have a surcharge)

Definitions

'The Council'	means Forest Heath District Council.
'The District'	means the area of the Council.
'Proprietor'	means the person or persons named in the licence as the proprietor of a hackney carriage or private hire vehicle.
'Hackney Carriage'	has the same meaning as in the Town Police Clauses Act 1847.
'Vehicle'	means the hackney carriage or private hire vehicle in respect of which a licence is issued.
'The Licensee'	means the individual(s) who is/are named on a licence granted by the council.
'Private Hire Vehicle'	means a motor vehicle constructed or adapted to seat fewer than nine passengers other than a hackney carriage, which is provided for hire with the services of a driver for the purpose of carrying passengers.
'Operate'	is defined as meaning in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.
'Drivers Licence'	The term drivers licence is used, without hackney or combine etc. If you was a lay person just reading a particular section it could be unclear – it's not consistent all the way through and sometimes refers to a DVLA licence.

APPENDIX 1 (version of handbook that was consulted on)

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

New applicants can apply for a combined drivers badge. The combined badge allows you to drive both private hire and hackney carriage vehicles.

New Drivers can apply for a one year's licence or three years licence as follows:

- One year licence initially whilst completing a mandatory Level 2 certificate in Taxi and Private hire Driving*
- Three year licence if the Level 2 certificate in Taxi Driving, or similar Taxi Driving qualification as deemed appropriate by the Licensing Team Leader, has already been completed prior to applying

***One year licence is only available once per person for this purpose**

How to submit your application

Please refer to the Guidance Notes for step by step instruction on the application process. These can be found on our Council Website

http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Guidance-Notes-Driver-Jan-2017-FHDC-V2.pdf

Applicants must make sure that the application form is fully completed before submitting it with all the original supporting documents and the correct fee. Payment should be made by card or a cheque made payable to Forest Heath District Council. Applications can be submitted at the address below Monday to Friday 8.45 am to 5.00 pm.

Forest Heath District Council,
College Heath Road,
Mildenhall
Bury St Edmunds
IP28 7EY.

The Council does not accept incomplete applications under any circumstances.

Please note:

All documents must be originals; photo copies are not acceptable. Where applicable the applicant must provide, at their own expense, a written English translation of relevant documents/certificates, together with documentary proof that the translation is correct.

1. Applications may be referred to the Licensing Committee for consideration. You will be invited to attend the Committee meeting to speak in support of your application.
2. Where an applicant, at the time of application has not reached 21 years of age the application will be referred to the Licensing Committee for determination.
3. A Driver's Licence usually lasts for three years, although it may be issued for a lesser period at the Council's discretion.

APPENDIX 1 (version of handbook that was consulted on)

LICENSED DRIVER CONDITIONS – Applies to All Drivers

1. The applicant must be properly authorised to drive motor cars holding either a Group A or Category B licence issued by the DVLA, this includes EU and Northern Irish licences as defined in the Road Traffic Act 1988. The applicant must have held a full national driving licence for a period of 12 months.
2. Drivers will note the provisions of the conditions relating to licensed vehicles. It is important that drivers ensure that the vehicles they drive comply with the said conditions.
3. The Council has a Disciplinary Code, which sets out the principles and procedures by which breaches of statutory provisions, Council's bylaws, or the contravention of any of the Council's Standard Conditions will be dealt with. Serious breaches could result in suspension or revocation of your licence.
4. Every driver of a licensed vehicle is required to be licensed, the only exception being a qualified person testing a licensed vehicle or it's Taximeter.
5. A person acting as the driver of a licensed vehicle without a valid licence, commits a criminal offence, as does the proprietor who actually employs the unlicensed driver.
6. The Council will not grant a driver's licence unless satisfied that the applicant is a fit and proper person to hold a driver's licence for licensed vehicles.
7. The Council may suspend, revoke or refuse to renew a Driver's Licence if since the licence was granted the driver has:-
 - (a) Been convicted of an offence involving dishonesty, indecency or violence; or
 - (b) Been convicted of an offence under, or has failed to comply with, the provisions of the 1847 and 1976 Acts; or
 - (c) For any other reasonable cause.
8. Licensed drivers are required to hand their licences to the proprietor of the licensed vehicle they drive.
9. Private hire Vehicle drivers shall not:-
 - (a) Park the vehicle on any hackney carriage stand for any reason; or
 - (b) Stand or ply for hire or offer the private hire vehicle for immediate hire while on a road or other public place; 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).
10. The driver shall take all reasonable steps to ensure the safety and welfare of all passengers driven by him/her.

APPENDIX 1 (version of handbook that was consulted on)

11. Where a vehicle is constructed or adapted for the transportation of disabled persons, the driver shall convey the disabled passenger and any aids including assistance animals, (such animals to be carried free of charge), unless the driver has a council dispensation displayed in the vehicle, or an exemption certificate. Drivers must afford reasonable help to a disabled passenger to aid getting in and out of the vehicle and to or from any building if requested.
12. The driver will treat all members of the public with courtesy and respect.
13. The driver will ensure that all plates, labels and stickers supplied by the Council are displayed and legible at all times. **Plates must be attached to or next to the rear vehicle number plate.**
14. The driver will display his badge at all times when working so that it's visible to members of the public.
15. The driver will only take refreshment in the vehicle at times when it is parked and not in service.
16. The driver will turn any entertainment off or down at the request of any passenger.
17. The driver will carry a reasonable quantity of luggage when requested by any passenger. Drivers must offer all reasonable assistance to load and unload luggage.
18. The driver will check the vehicle for any lost property between each fare, and **report** any lost property to the police at the earliest opportunity.
19. The driver must be punctual and take the shortest available route to the destination unless an alternative route is requested by the passenger whilst observing all relevant highway and traffic laws.
20. The driver will carry a copy of the conditions at all times when the vehicle is in service and make it available to members of the public on request.
21. 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.
22. The driver must ensure the vehicle is maintained in a clean and satisfactory condition at all times.
23. The driver must notify the council in writing within seven 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.

APPENDIX 1 (version of handbook that was consulted on)

24. The driver must 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.
- (iii) **Use a mobile phone whilst driving as per the current legislation**
- (b) Carry any other person in the vehicle without the express consent of any other passengers carried in the vehicle;
- (c) Provide any alcoholic drinks within the vehicle unless there is an appropriate licence in force;
- (d) Drivers are expected to be smart and clean in appearance at all times. They must maintain a high standard of personal hygiene and not dress in a manner which is likely to embarrass or offend. Flip flops, cropped shorts and tight vest tops are not considered professional attire.

25. The driver must not refuse assistance dogs. Reported refusals will result initially in disciplinary action according to our disciplinary and points guidance. Repeated refusal may result in the driver being prosecuted.

Drivers can apply to the council for an assistance dog exemption certificate. A medical exemption report must come from the drivers own registered GP, for example; severe allergies or asthma related to animals. The driver must display the medical exemption as per council instructions and allow passengers to inspect the exemption on request.

26. The driver must not refuse disabled passengers. Reported refusals will result initially in disciplinary action according to our disciplinary and points guidance. Repeated refusal may result in the driver being prosecuted. New legislation comes into force on 6 April 2017.

<https://www.gov.uk/government/news/law-change-demands-equal-treatment-for-disabled-taxi-users>

APPENDIX 1 (version of handbook that was consulted on)

BYELAWS

Made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 by the District Council of Forest Heath with respect to Hackney Carriages in the district of Forest Heath

1. The driver of a Hackney Carriage for which stands are affixed shall, when plying for hire in any street and not actually hired:
 - (a) Proceed with reasonable speed to one of the stands fixed by the Council in that behalf;
 - (b) on arrival at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (c) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
2. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
3. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
4. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
5. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage (either with the licence granted to him by the Council or afterwards), he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
6. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
7. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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8. A proprietor or driver of a Hackney Carriage who shall knowingly carry the dead body of any person shall, immediately thereafter, notify the fact to the Environmental Services Manager of the Council.
9. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare fixed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time, when the rate or fare shall be subject to individual contract.

Provided always that, for the avoidance of doubt, where a Hackney Carriage furnished with a taximeter is hired by distance, the proprietor or driver thereof shall be entitled to demand and take a fare greater than that recorded on the face of the taximeter where those extra charges are authorised by the table of Hackney Carriage fares fixed by the Council and which cannot be recorded on the face of the taximeter.

10. (a) The proprietor of a Hackney Carriage for which any fares are fixed by the Council shall:
 - (i) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures;
 - (ii) renew such letters and figures as often as is necessary to keep them clearly visible and current.
- (b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
11. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible (and in any event within 24 hours), if not sooner claimed by or on behalf of its owner, to the Forest Heath District Council Offices in Mildenhall for safe keeping and subsequent return to the rightful owner if found.

Penalties

12. Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

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PRIVATE HIRE VEHICLE OPERATORS' LICENCE

Guidance Notes

1. It is a criminal offence to operate a Private Hire Vehicle within the Forest Heath District without having a Private Hire Vehicle Operator's Licence.
2. The Council can grant Private Hire Vehicle Operators' Licences upon application to a fit and proper person.
3. The Council may attach to the grant of a licence such conditions as it may consider reasonably necessary.

Conditions

1. An operator shall record details of every Private Hire booking made. The following information shall be recorded in an easily retrievable method (page numbered log or computer database) before the commencement of each journey and shall include the following:
 - The date and time of each booking
 - How the booking was received, i.e. telephone or personal call
 - The time of the pick up
 - Where the journey was from and to
 - The name and address of the hirer
 - The private hire licence plate number of the vehicle allocated the booking

The records shall be kept for one year or such longer period if stated by the Council.

The records shall be produced, on request, to any police officer or authorised officer of the council

2. An operator shall maintain at his premises details of all vehicles operated by him/her, which shall include the following
 - The private hire plate number
 - Vehicle registration number
 - Name and address of the proprietor of the vehicle
 - Name(s) and address(es) of the driver(s) of the vehicle(s)
 - Badge numbers of the driver(s)

The above records shall be produced on request to any authorised officer of the council or Police officer.

3. No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking.
4. The operator shall ensure that when a private hire vehicle has been hired, the vehicle shall, unless delayed or prevented attend punctually the appointed time and place.

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5. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting,
 - (a) Ensure that any waiting area provided has adequate seating facilities,
 - (b) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that defects are repaired promptly,
 - (c) Ensure any person who is drunk or otherwise misbehaving shall be removed from any licensed operating premises.
6. An operator shall ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their drivers licence and or private hire vehicle licence.
7. It is an offence to refuse to carry assistance dogs unless the driver has a medical exemption certificate.
8. Change of address (including any address from which an operator conducts their business) must be notified to the Council within 7 days of such a change taking place.
9. The operator shall within 7 days disclose to the council in writing details of any conviction imposed on him/her during the period of the licence.
10. An Operator shall not include in his/her trading title, or in any advertising whether in publication or by the display of notices or by means of a circular, or business card, any reference to “taxi”, “taxi cab” or “cab” or any other description which may suggest the operation of a hackney carriage business

Note

The council may suspend, revoke or refuse to renew the operators licence if any of these conditions are not complied with.

APPENDIX 1 (version of handbook that was consulted on)

HACKNEY CARRIAGE VEHICLE LICENCES

Guidance Notes

1. Hackney Carriages are licensed to ply, or stand for hire, within the licensing district for which they hold a Hackney Carriage Licence. Plying means that they can be hailed while on the move, or obtained if stationary and available for hire in the street. A vehicle is standing for hire if it is on a properly appointed hackney carriage stand. The principal feature being that they can carry passengers for hire or reward.
2. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. For any new vehicle application, the vehicle must be wheelchair accessible and be capable of carrying at least one passenger seated in a wheelchair.
3. Once licensed as a Hackney Carriage the vehicle remains a Hackney Carriage until such a time as the licence is surrendered, suspended, revoked, or application for renewal is refused.
4. Only a licensed Driver may drive a Hackney Carriage, and then only if the vehicle is licensed with the same Local Authority that issued his Hackney Carriage Driver's Licence.
5. Hackney Carriage Vehicle Licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the Licence Conditions
6. It is a criminal offence to use a vehicle as a Hackney Carriage plying for hire within the Forest Heath District of Suffolk without having a Hackney Carriage Licence.
7. The Council can grant Hackney Carriage Licences upon application. The Council may attach to the grant of a Hackney Carriage Licence such conditions as it deems necessary.
8. The Council may make conditions as to the type of vehicle that can be used for Hackney Carriage work. These can cover the size, methods of access and egress, colour, number of seats, number of doors and other such specific matters.

Conditions

1. The Vehicle

- (a) The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a Hackney Carriage and the vehicle must either:-
- (b) Be a purpose built taxi which conforms to the Conditions of Fitness for the Construction and Licensing of Motor Taxicabs in London as prescribed by the Public Carriage Office; of any colour: or,
- (c) Be a saloon, hatchback, estate or MPV/minibus type vehicle. It must be painted black with the exception of:-

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- (i) The outer face of the bonnet;
 - (iii) The outer face of the boot lid in the case of saloons, or the outer face of the opening tailgate in the case of hatchbacks, estates or MPV/minibuses, all of which must be painted yellow.
- (d) In connection with (c) above KPMF 100 MICRON VWS Vehicle Film may be used as an alternative to paint as a means of achieving a yellow finish to the bonnet and boot of Hackney Carriage Vehicles;
- (e) Be no more than three years and three months old at the time the first application is made to the Council for a licence.
- 2. The vehicle must:-**
- (a) At all times throughout the period of licensing be in such a condition so as to comply fully with all relevant statutory requirements (including the Council's byelaws and standard conditions).
 - (b) Have an engine, the normal cubic capacity of which is either:-
 - (i) Not less than 1600 cc; (unless an MPV – see separate section) or
 - (ii) Rated by the vehicle manufacturers as being equivalent to 1600cc engine;
 - (iii) In the case of hybrid, or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1600cc engine.
 - (c) Be a right-hand drive vehicle.
 - (d) Have, at least 4 doors in addition to any rear door/tailgate; In the case of MPV/Minibus type vehicles nearside and offside sliding side access doors are allowed.
 - (e) Be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers.
 - (f) If an estate, hatchback or MPV/minibus type vehicle, be fitted with a guard rail or other device of a type approved by the Council to prevent luggage entering the passenger area;
 - (g) Be fitted with either all radial or all cross ply tyres and the spare wheel and tyre must be of the same type as those fitted to the vehicle, **tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel marked with plate number**;
 - (h) Be provided with a taxi meter fitted and working in accordance with both the Byelaws and the Standard Conditions made by the Council regarding taxi meters;
 - (i) Have a permanent sign on the roof indicating that it is a **TAXI**;
 - (j) Be fitted with a sign bearing the words "**FOR HIRE**";
 - (k) Have adequate space for the legs of passengers seated on the rear seat of the

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vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat;

(l) Not be in excess of 5334mm (210 inches) in length.

3. The proprietor will:

(a) Keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements;

(b) Provide an efficient fire extinguisher suitable for use in a motor vehicle, which shall be carried in such a position as to be readily available for use at all times. **The fire extinguisher must be permanently marked with the vehicle plate or registration number;**

(c) Not alter the appearance of design of the vehicle (including the mechanical parts) without the prior approval of the Council. This would include the installation of safety screens or similar within the vehicle;

(d) Ensure that every driver employed by him to drive a Hackney Carriage is acquainted with, understands and observes the conditions attached to that particular vehicle licence and the statutory provisions relating to all such Hackney Carriage Vehicle Licences.

(e) It is illegal to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward). Drivers must ensure that a NO SMOKING sign in each enclosed compartment of the vehicle in which people can be carried.

4. Taximeters

The vehicle will be fitted with a taximeter that is calendar facilitating.

(a) The taximeter must be programmed/calibrated and set to the Council's table of Hackney Carriage Fares as may be in operation at that time. **Failure to keep the taximeter up to date with the current Council's table of fares may result in the vehicle licence being suspended.**

(b) No tariffs other or greater than those currently fixed by the Council shall be displayed on the face of the taximeter. **The taximeter must be sealed and plated.**

(c) A current fare/tariff card as issued by the Council showing the full table of Hackney Carriage fares shall be clearly and visible displayed within the vehicle at all times.

(d) The dial of the taximeter must be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, and also at any other time at the request of the hirer.

5. Roof Sign/ For Hire Sign

(a) The vehicle shall be fitted with a permanent sign on the roof bearing the word "TAXI"

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in black lettering to the front and rear. The words “FOR HIRE” shall appear on either side of the word “TAXI”. The sign shall be illuminated in YELLOW to the front and RED to the rear. In the case of MPV/Minibus type vehicles the roof sign must be not less than 75cm and not exceeding 90cm in length. (Purpose built vehicles with signs forming an integral part of the roof are exempt).

- (b) In cases where the roof sign has a minimum base of 60cm (24ins) the rear face of the sign may be used to display the proprietor’s business name and/or telephone number. The words “TACSI” or “TAKSI” must not be used.
- (c) A separate For Hire sign will be fitted to the vehicle where the roof sign does not bear the words For Hire.
- (d) There must be an electrical connection to both the roof and for hire signs causing both signs to be capable of being illuminated. **Illumination must be capable of being visible during the day and at night.**
- (e) The illumination should automatically be extinguished when the taximeter is engaged. Any illumination must not contravene any statutory requirement.

6. Licence Plates and Labels

The Council will provide a plate and a label identifying the vehicle as a Hackney Carriage. The plate will be for the duration of the licence. The plate will be fixed to the rear of the vehicle so as to be clearly visible and the label fixed and displayed inside the vehicle, again clearly visible. The plate shall remain the property of the Council.

7. Passengers

The proprietor /driver of the vehicle shall not carry a greater number of persons than that specified on the licence. Babies and young children of whatever age are persons for the purpose of the licence.

8. First Aid Kit

A first aid kit should be carried in the vehicle to enable the driver to administer basic first aid to himself only, or to enable those trained in its use to render assistance. **First aid kit should contain sterile bandages and plasters that are in date.**

9. Advertisements – Signs - Notices

The vehicle shall be free from any sign or notices except as may be required by any statutory provision or required by these conditions. With this proviso advertisements’ are permitted on the exterior of the vehicle. Front doors may carry the contact details of the proprietor. Rear doors may carry commercial advertising. A single product/service may be advertised at any one time. The advert must be suitable for a vehicle in public service and considered by the Council to be in-offensive. The advert shall be no larger than 30cm x 60cm.

10. Temporary Replacement Vehicles

APPENDIX 1 (version of handbook that was consulted on)

- (a) The provision of a Temporary Replacement Vehicle is limited to cases where the original vehicle is unroadworthy and unsuitable for use as a Hackney Carriage as a result of a non-fault accident.
- (b) On such occasions and only these occasions the Standard Conditions made in relation to the required vehicle livery are waived.
- (c) The maximum length of time that a temporary replacement vehicle can operate as a Hackney Carriage within the District in relation to each particular occurrence is 6 weeks (**42 days**).
- (d) The replacement vehicle must not have a greater passenger seating capacity than the original vehicle.
- (e) Prior to the grant and issue of a temporary Hackney Carriage Vehicle Licence the vehicle must be tested and inspected by one of the Council's Vehicle inspectors.
- (f) All temporary vehicle licences together with licence plates and labels shall remain the property of the Council and must be returned to the Council on the expiry of the licence.
- (g) The vehicle must be, and remain at all times throughout the period of licensing in such a condition as so to comply fully with all relevant statutory requirements and to the Councils byelaws and Standard Conditions.

11. Multi Passenger Vehicles (MPV'S)

This refers to vehicles licensed to carry more than four but less than nine passengers.

The number of passengers which the vehicle is licensed to carry will in all cases be subject to the discretion of the Council.

- (a) The vehicle must have a minimum engine capacity of 1800 cc (this shall include vehicles identified as 1.8 litre models by the manufacturer);
- (b) The majority of seats must be forward facing, (where provided, tip-down seats may face the rear); such seats must be capable of rising automatically when not in use and must not obstruct doorways;
- (c) Access from the doors to the seats (and vice-versa) must be direct without the need for seats to be moved, and without the need for passengers to climb over seats, parts of seats or luggage.
- (d) In order to provide unrestricted access from the third row of seats to a doorway there must be an aisle or gangway provided.
- (e) There must be adequate, secure storage space for all passengers luggage preferably within the vehicle. The arrangements for storing luggage must not obstruct access to the vehicle exits or affect passenger comfort.
- (f) If when the vehicle is fully occupied there is insufficient space within the vehicle for

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storage of luggage then a roof rack may be fitted providing that (A) the luggage is stored in a purpose built luggage carrier, and, (B) that the roof load does not exceed the maximum weight recommended by the vehicle manufacturers.

12. Wheelchair Accessibility

General

- (a) The Council will not grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps.
- (b) Vehicles using either a hydraulic or an electric powered tail lift to load wheelchairs and passengers into the rear of the vehicle are exempt from the above condition.
- (c) Passengers, regardless of any disability, must be able to get in and out of the vehicle with reasonable ease and travel within it in safety and reasonable comfort while remaining seated in their wheelchair, if so required.
- (d) The wheelchair user must on request be able to transfer to a vehicle seat.
- (e) The vehicle must display, on both nearside and offside front doors, a sign depicting the universally recognised disabled logo.
- (e) All vehicles must be capable of complying with the appropriate vehicle licence conditions.

Entry to the Vehicle

- (a) Any doorway used to load wheelchair users must provide a minimum unobstructed space of 1200mm high and 740mm wide.
- (b) Any steps, either fixed or retractable, must be permanently secured at the point of entry.
- (c) The surface of all steps must be slip resistant. Step nosing must be designed to minimise risk of tripping and must be in a contrasting colour.
- (d) Steps must be fitted in such a manner that the vehicle cannot be driven off while the step is deployed and in a position where it extends beyond the vertical line of the bodywork.
- (e) Handrails or Handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.
- (f) The surface of every handrail or handhold must contrast in colour from the surrounding surfaces and be of a slip resistant finish.
- (g) Any ramp must provide a surface of at least 750mm wide and shall have a minimum safe working load of 250kg. The ramp must not exceed 1700mm in length.
- (h) When in use the ramp must be securely located at the point of wheelchair entry. An

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adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use.

- (i) Channel ramps must not be used. However, ramps which fold are permitted provided the ramp is rigid when deployed.
- (j) The surface of all ramps must have a slip resistant finish.
- (k) All outer edges must be clearly marked in a contrasting colour.
- (l) Provision must be made for the safe storage of the ramp when not in use.

Wheelchair within the Vehicle

- (a) The wheelchair user must travel in a space designated for that purpose.
- (b) The area required for the wheelchair must be of sufficient size to allow a wheelchair to be moved from outside the vehicle into the designated space without excessive manoeuvring.
- (c) Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- (d) All wheelchairs must be securely fastened.
- (e) Passengers occupying a wheelchair must be provided with a seat belt.
- (f) The vehicle must not be driven until both the wheelchair and its occupant have been properly and securely fastened in the vehicle by means of appropriate restraining devices.
- (g) Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.
- (h) A non-slip material must be used for the surface of the flooring in the designated wheelchair space.

In addition the proprietor of every vehicle licensed to carry passengers seated in wheelchairs shall ensure:

- (a) That all drivers of such vehicles have attended a disability awareness training course. **(The certificate of attendance must be presented to the Council).**
- (b) That any additional equipment such as clamps, ramps and belts, required to cater for wheelchair passengers are carried at all times and are in a fit and serviceable condition.
- (c) That the driver is familiar with the operation of and the functionality of all devices designed to help passengers to get in and out of the vehicle, all drivers should be trained in the use of all relevant belts and other restraint and locking mechanisms.

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13. Trailers

- (a) Only vehicles licensed by the Council to carry 6 7 or 8 passengers are permitted to tow a trailer.
- (b) A trailer may only be used for the purpose of conveying the luggage of fare paying passengers whilst they are being conveyed within the vehicle and for no other purpose. All journeys would be those where the vehicle has been pre-booked.
- (c) No trailer may be used in conjunction with either a Hackney Carriage or Private Hire Vehicle unless that trailer has first been inspected and approved by one of the Council's approved vehicle inspectors for suitability, safety and compliance with all relevant legislation. Fees are payable for each test and inspection.
- (d) Whilst a Hackney Carriage is towing a trailer it is not permitted to use a Hackney Carriage rank.
- (e) Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.
- (f) A current certificate of insurance must be produced to the Council which covers the use of a trailer and the vehicle licensed to tow it. **Such insurance must extend so as** to cover any luggage carried within the trailer.
- (g) Every trailer must comply in all respects with the requirements of EC94/20 type approval and any Acts and Regulations relating to trailers or parts thereof of which may be in force at the time of licensing.
- (h) An additional vehicle licence plate must be displayed on the outside rear of the trailer. This plate must carry the same details as the plate affixed to the rear of the towing vehicle.
- (i) The maximum gross weight of any trailer shall not exceed 750kg.

14. In-Car Surveillance Systems – (CCTV)

- (a) Vehicle proprietors may install image recording equipment in licensed vehicles.
- (b) An approved installer must carry out the installation in accordance with the manufacturer's instruction and the Council's conditions.
- (c) All image recording equipment must comply with the requirements of current data protection legislation. Documentary evidence of compliance must be provided to the Council.
- (d) Equipment must be installed in such a way that it will not cause injury to the driver or the passengers.
- (e) Equipment must be secure and not interfere with the safe operation of the vehicle.
- (f) All cameras must be installed above the level of the dashboard within the vehicle.

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- (g) Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.
- (h) There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows:-

Passenger Notice

This taxi/private hire vehicle is protected by a **Digital Surveillance Camera**. Any images recorded are held in a secure format and can only be viewed by the Licensing Authority or the Police.

15. Liquid Petroleum Gas (LPG)

LPG conversions are subject to Council approval prior to any conversion work taking place.

16. Vehicle Tests and Inspections

The vehicle shall be inspected and tested as follows:-

- (a) Prior to the granting of the initial licence – taxi test
- (b) Mid term test, six months after issue of licence – an MOT test or taxi test.
- (c) Annually when the licence is due for renewal – taxi test **(no earlier than 4 weeks before renewal of the licence)**
- (d) At any other time if so requested by the Council up to a maximum of 3 separate occasions during any one period of 12 months.

The taxi test must be carried out by a vehicle inspector approved by the Council.

- (d) Any authorised officer of the Council or any Police Constable has the power to inspect and test, for the purposes of ascertaining its fitness, the vehicle or any taximeter affixed to the vehicle. If the vehicle or equipment fails such an inspection, written notice may be given on the need for further test or inspection and the licence may be suspended until that date or until any faults are rectified. A maximum of two months is given for repair or the licence shall be deemed revoked.

All vehicles licensed by the Council will be required to hold a valid MOT certificate from one year old.

17. Accidents

- (a) Any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Council within 72 hours.
- (b) No vehicle shall be used for the carriage of passengers after suffering an accident until the vehicle has been inspected and approved by the Council.

18. Insurance

- (a) The proprietor must ensure that at all times the vehicle is insured to the satisfaction of the Council both for the requirements of Part VI of the Road Traffic Act 1988 and

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for the carriage of fare paying passengers (i.e. for Hire and Reward). This shall include third party insurance for personal injuries suffered by passengers.

- (b) The proprietor must produce the Certificate of Insurance or the Cover Note in respect of the insurance cover for inspection prior to the issue of the licence and each time the Certificate of Insurance or Cover Note (if appropriate) is changed, amended, varied, altered or the like.
- (c) The Council will only accept a Certificate of Insurance in either the name of the registered keeper of the vehicle or the name of the legal owner of the vehicle.

19. Transfer of Vehicles

- (a) If the proprietor of the vehicle transfers his interest in the vehicle to another person he must, within 14 days after such transfer, give written notice to the Council, specifying the name and address of the person to whom the vehicle has been transferred. The proprietor must also inform the new proprietor that it is the new proprietor's responsibility to seek a licence from the Council.
- (b) The prospective Licensee must have purchased the vehicle complete with the vehicle licence.

20. Licence Renewal

The proprietor shall, at least 14 days prior to the date of the licence's expiry, make application to the Council for a renewal of his Hackney Carriage Vehicle Licence. If an application for renewal is not received by the expiry date, the licence will lapse. It is a criminal offence to ply for hire in an unlicensed Hackney Carriage.

21. Convictions

All criminal offences, whether they be for driving or motoring or for something totally unconnected with driving/motoring must be disclosed to the Council within 7 days of conviction.

22. Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence, within seven days of such a change taking place. **There will be an administrative charge set out in the Council's fee list.**

23. Disciplinary Code

The Council has adopted a Disciplinary Code, which sets out the principles and procedures by which breaches of statutory provisions, Council's byelaws, or the contravention of any of the Council's Standard Conditions will be dealt with by the Council.

24. Copies of Byelaws and Conditions

The proprietor shall ensure that copies of the Council's byelaws, these Conditions and the Council's "Hackney Carriage Drivers' Notes" are carried in the vehicle at all

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times and that they are available for inspection by the hirer or any other passenger on request.

25. Inspection of Licences

The proprietor shall, at the request of the Council, produce for inspection the licence either forthwith or at the District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY before the expiration of five days, beginning with the day following that on which the request is made.

26. Right of Appeal

Any person aggrieved by the refusal of the Council to grant a Hackney Carriage Licence or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

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BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the District Council of Forest Heath with respect to Hackney Carriages in the District of Forest Heath.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

1. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage or on plates affixed thereto.
- (b) A proprietor or driver of a Hackney Carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage i.e. standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING THE FITTING, OPERATION AND USE OF TAXIMETERS IN RESPECT OF HACKNEY CARRIAGES

2. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
 - (a) the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any persons being conveyed in the carriage and, for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring;

APPENDIX 1 (version of handbook that was consulted on)

- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals of other appliances.
3. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

PROVISIONS FIXING THE RATES OF FARES, AS WELL FOR TIME AS DISTANCE, TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES

4. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare fixed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time, when the rate or fare shall be subject to individual contract.

Provided always that, for the avoidance of doubt, where a Hackney Carriage furnished with a taximeter is hired by distance, the proprietor or driver thereof shall be entitled to demand and take a fare greater than that recorded on the face of the taximeter where those extra charges are authorised by the table of Hackney Carriage fares fixed by the Council and which cannot be recorded on the face of the taximeter.

5. (a) The proprietor of a Hackney Carriage for which any fares are fixed by the Council shall:
- (i) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a place affixed thereto, in clearly distinguishable letters and figures;
 - (ii) renew such letters and figures as often as is necessary to keep them clearly visible and current.
- (b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

GENERAL REGULATORY PROVISIONS RELATING TO PROPRIETORS AND DRIVERS

6. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
7. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

APPENDIX 1 (version of handbook that was consulted on)

8. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
9. A proprietor or driver of a Hackney Carriage who shall knowingly carry the dead body of any person shall, immediately thereafter, notify the fact to the Environmental Services Manager of the Council.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

10. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring, or as soon as practicable thereafter, search the carriage for any property which may have been accidentally left therein.
11. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible (and in any event within 24 hours), if not sooner claimed by or on behalf of its owner, to the offices of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it.

PENALTIES

12. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.

APPENDIX 1 (version of handbook that was consulted on)

PRIVATE HIRE VEHICLE LICENCES

Guidance Notes

1. It is a criminal offence to use a Private Hire Vehicle within the Forest Heath District without having a Private Hire Vehicle Licence.
2. It is also a criminal offence to use or permit, to drive, to employ as a driver, to operate, or to operate without a driver's or vehicle licence a Private Hire Vehicle without the requisite licence under the Act.
3. Private Hire Vehicles are licensed to perform pre-booked work only. Such work must be obtained through a licensed Private Hire Operator. They must not ply for hire, wait on a taxi stand, or form an unofficial rank in public view.
4. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers.
5. Once licensed as a Private Hire Vehicle the vehicle remains a Private Hire Vehicle until such a time as the licence is surrendered, suspended, revoked, or application for renewal is refused.
6. Only a licensed driver may drive a Private Hire Vehicle and then only if the vehicle is licensed by the same Local Authority that issued his Vehicle Driver's Licence.
7. Private Hire Vehicle Licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the Licence Conditions.
8. Private Hire Vehicle includes all types of vehicle, regardless of design, which are used solely for the fulfilling of a pre-booking. The public must not be led to believe that a Private Hire Vehicle is a Hackney Carriage by its appearance or design.
Labels provided by the Council must be displayed on both rear doors advising passengers that the vehicle is to be pre-booked only.

Conditions

1. The Vehicle

- (a) The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a Private Hire Vehicle and the vehicle must:-
- (b) Not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage; in particular it must not be a "London type taxi".
- (c) Be a standard saloon, hatchback, estate or MPV/mini-bus type vehicle or be a vehicle constructed or adapted as to facilitate the carriage of a disabled person or persons in a wheelchair within the passenger compartment specifically designed to carry up to but no more than eight passengers, finished in the manufacturer's standard livery.

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- (d) Sports saloons, drop head coupes, convertibles or touring cars will not be licensed.
- (e) Be no more than three years and three months old at the time the first application is made to the Council for a licence. (In specific cases this condition may be varied in writing by the Council where in all the circumstances of the case it is reasonable to do so). Where the condition is waived the Council may attach special conditions to the licence that may include limiting the use of the vehicle or requiring extra inspection and testing. In particular, the Council may permit the licensing of a vehicle which is either:

- A classic car being over 25 years old at the time of first application; or
- A vintage car being built between 1919 and 1930 inclusive,

2. The vehicle must:

- (a) At all times throughout the period of licensing be in such a condition so as to comply with all statutory requirements (including the Councils standard conditions)
- (b) Have an engine, the normal cubic capacity of which is either:-
- (i) Not less than 1600 cc; or
 - (ii) Rated by the vehicle manufacturers as being equivalent to 1600cc engine; In the case of hybrid, or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1600cc engine.
- (c) Be a right-hand drive vehicle.
- (d) Have at least 4 doors in addition to any rear door/tailgate. In the case of MPV/minibus type vehicles nearside and offside sliding side access doors are allowed.
- (e) Be fitted with either all radial or all cross ply tyres **including the spare wheel if manufactured with one fitted. Tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel and marked with the vehicle plate number;**
- (f) If an estate, hatchback or MPV/minibus type vehicle, be fitted with a guardrail or other device of a type approved by the Council to prevent luggage entering the passenger area.
- (g) If storage space for luggage is provided under the vehicle's seats, have straps supplied to secure the said luggage whilst the vehicle is in transit.
- (h) Have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat.

3. The proprietor shall:-

- (a) Keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements;

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- (b) Provide an efficient fire extinguisher suitable for use in a motor vehicle, which shall be carried in such a position as to be readily available for use at all times. **It shall be permanently marked with the vehicle plate or registration number.**
- (c) As part of Health and Safety at work legislation, a first aid kit should be carried in the vehicle to enable the driver to administer basic first aid to himself only, or to enable those trained in its use to render assistance.
- (d) Not alter the appearance or design of the vehicle (including the mechanical parts) without the prior approval of the Council. This would include the installation of safety screens or similar within the vehicle.
- (e) Ensure that every driver employed by him to drive is acquainted with, understands and observes the conditions attached to that particular vehicle licence and the Statutory Provisions relating to all such Private Hire Vehicle Licences.
- (f) It is illegal to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward). There is a requirement to display a NO SMOKING sign in each enclosed compartment of the vehicle in which people can be carried.

4. Taximeters

- (a) Private Hire Vehicles are not required by law to be fitted with a taximeter, however, if one is fitted it shall be treated in the same manner as one fitted to a Hackney Carriage and meet the conditions for meters as above.

5. N/A for Private Hire

6. Licence Plates and Labels

As per Hackney Carriage conditions with the addition of an internal plate which must be displayed in the nearside corner of the windscreen.

7. Passengers / First Aid Kit

As per Hackney Carriage conditions.

8. First Aid Kits

As per Hackney Carriage conditions.

9. Advertisements - Signs – Notices

No advertisements are permitted on Private Hire Vehicles. Labels will be provided by the Council bearing the words 'ADVANCE BOOKINGS ONLY – NOT PRE-BOOKED NOT INSURED' .

- (a) No sign or notice will be allowed which refers to the words "cab", "taxi", "taxi-cab" or "for hire" or similar.

10. Temporary Replacement Vehicles

APPENDIX 1 (version of handbook that was consulted on)

As per Hackney Carriage conditions.

11. Multi Passenger Vehicles (MPV'S)

As per Hackney Carriage conditions.

12. Wheelchair Accessibility

As per Hackney Carriage conditions.

13. Trailers

As per Hackney Carriage conditions.

14. In-Car Surveillance Systems – (CCTV)

As per Hackney Carriage conditions.

15. Liquid Petroleum Gas (LPG)

As per Hackney Carriage conditions.

16. Vehicle Tests and Inspections

As per Hackney Carriage conditions.

17. Accidents

As per Hackney Carriage conditions.

18. Insurance

As per Hackney Carriage conditions.

19. Transfer of Vehicles

As per Hackney Carriage conditions.

20. Dual Registration

- (a) A vehicle licensed as a Hackney Carriage by any other Local Authority may not be licensed by the Council as a Private Hire Vehicle within the Forest Heath District.
- (b) A vehicle licensed as a Private Hire Vehicle by any other local authority may be licensed by the Council as a Private Hire Vehicle within the Forest Heath District, if the Council in its absolute discretion thinks fit.

21. Licence Renewal

As per Hackney Carriage conditions.

APPENDIX 1 (version of handbook that was consulted on)

22 Change of Address

As per Hackney Carriage conditions.

23 Copy of Conditions

As per Hackney Carriage conditions.

The proprietor shall ensure that copies of the Councils byelaws and these conditions are carried in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

24 Section 75(3) Local Government (Miscellaneous Provisions) Act 1976

- (a) The Local Government (Miscellaneous Provisions) Act 1976 requires that a Council must issue a private hire vehicle plate with an identity plate or disc and that proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a District Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centres of large towns.
- (b) Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor in writing. In determining an application it will normally be the status of the passenger and the executive of the work that will indicate whether or not the dispensation should be granted. The vehicle must be of a high standard.

25 Right of Appeal

Any person aggrieved by the refusal of the Council to grant a Private Hire Vehicle Licence or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

APPENDIX 1 (version of handbook that was consulted on)

STRETCH LIMOUSINES USED AS PRIVATE HIRE VEHICLES

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory-built vehicle. For the purpose of these conditions the vehicle is classed as a 'Special Events Vehicle'. They apply in addition to the Authority's standard conditions for Private Hire Vehicles.

Guidance Notes

1. A 'stretch limousine' is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. For the purpose of these conditions, it will be restricted to carrying up to, but not exceeding, 8 passengers.
2. An 'American stretch limousine' is a stretch limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
3. The licensing of any vehicle will be dependent upon the Council being satisfied that the vehicle is suitable in size, type and design for use as a Private Hire (Special Events) Vehicle.
4. In making a judgement of a vehicle's suitability the Council will consider its age, mechanical condition, mileage, appearance, bodywork condition and safety features. When presented for licensing the first time the vehicle must have either European Whole Vehicle type approval or UK Low Volume type approval, or Single Vehicle Approval.
5. The Council will at its discretion consider licensing 'American Stretch Limousines' provided that conversion works have been carried out under the Ford Qualified Vehicle Modifier (QVM) or the Cadillac Master Coachbuilder (CMC) programmes.
6. It will be the vehicle proprietor's responsibility to obtain all necessary documentation to support the provenance of the vehicle to the satisfaction of the Council. All relevant approval certificates, including the American certification must be provided to the Council. It should be noted that a Minister's Approval (MAC) Certificate is not on its own acceptable.
7. The maximum length of the 'Stretch' shall not exceed 120 inches/3048mm.
8. The Council may at its absolute discretion consider licensing vehicles that are left-hand drive (i.e. the steering wheel being on the near side), have some side-facing seats, and have tinted glass.

Conditions

1. No external fitting will be permitted other than an aerial to receive radio or other transmissions.
2. Alcohol may not be sold on a moving vehicle. Any alcohol sold as part of the hire agreement can only be sold under an appropriate premises licence. No person, under the age of 18 years, being conveyed in a stretch limousine shall be allowed to consume alcohol.

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3. A proprietor shall ensure that the vehicle is, and remains at all times throughout the period of licensing in such a condition so as to comply with all current standard conditions made by Forest Heath District Council in relation to Private Hire Vehicle licences. In addition vehicles must comply fully with all relevant statutory requirements and be operated in accordance with the conditions made by Forest Heath District Council in relation to Private Hire Vehicle Operators licences.
4. All limousines shall be subject to mechanical test and inspection at intervals no greater than 26 weeks during the currency of the licence. Such test and inspection is in addition to Ministry of Transport testing (MOT) and must be at a testing station approved by the Council to carry out such tests and inspections. It should be noted that such tests and inspections may have to be carried out at premises operated by the Vehicle and Operator Services Agency (VOSA).

APPENDIX 1 (version of handbook that was consulted on)

HACKNEY CARRIAGE AND PRIVATE HIRE DISCIPLINARY CODE

1. The Local Government (Miscellaneous Provisions) Act 1976 provides that where the statutory provisions relating to Hackney Carriage and Private Hire are breached or the conditions attached by the Council to any licence granted by it are contravened then the Council may suspend, revoke or refuse to renew such licence.
2. The Council has adopted a disciplinary code, which sets out the principles and procedures by which such contraventions will be dealt with by the Council. Any matter considered under this policy must also be dealt with in accordance with the Council's Corporate Enforcement Policy.
3. The purpose of the scheme is to give licensees clear guidance about the consequence of non-compliance with the Council's licensing requirements. Licensees who fail to comply with statutory provisions, the Council's bylaws or any other of the Council's licensing requirements will have appropriate action taken against them. Depending on the nature of the contravention such action may take the form of:
 - a) A verbal warning
 - b) Written warning
 - c) Awarding of penalty points
 - e) A simple caution
 - f) Suspension or revocation of licence
 - g) Prosecution
4. The Penalty Points System relating to the code defines breaches to the conditions attached to the licence, (driver, vehicle or operators) together with penalty points which may be awarded in respect of any breach of those conditions.
5. Where appropriate the Council's Licensing Officer has discretion to give a verbal warning for a first offence in any category. Any subsequent offences will be subject to penalty points in accordance with the scheme.
6. Where it is suspected that a licensee has breached statutory provisions, the Council's Bylaws, has contravened any of the Council's Standard Conditions or has been convicted of a criminal offence, whether it be for driving or motoring, or something totally unconnected with driving or motoring the Council will:
 - a) Carry out appropriate investigations;
 - b) Invite the licensee to respond to the allegation;
 - c) Inform the licensee of the outcome of the investigation.
7. Where penalty points are awarded by an authorised Officer of the Council the licensee will be given 14 days in which to appeal in writing to the Council's Head of Planning and Regulatory Services. If no appeal is lodged within that period, penalty points in accordance with the notice will be recorded against the licensee and endorsed on his/her record.
8. Penalty Points will be removed from the licensee's record three years after the date on which they were recorded.

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9. Where a licensee incurs 12 penalty points or more in any three year period the matter will be reported to the Licensing Committee. This report will recommend that the licence be suspended, the length of suspension being a **minimum of** one day for each point incurred. Once a period of suspension has been served, all penalty points relating to the period of suspension **will be set back to 0 but can be considered in future disciplinary hearings if deemed relevant.**
10. In circumstances where the Council's authorised Officer having given due consideration to the facts of the case is of the opinion that the imposition of penalty points may not be appropriate, a licensee may be required to appear at a meeting of the Licensing Committee. Such instances would include:
 - a) Breaches of insurance conditions. (licensed private hire vehicles applying for hire);
 - b) A conviction for reckless driving or driving without due care and attention;
 - c) Failure to disclose a conviction (non-vehicle related).
11. Appearance before the Licensing Committee could result in suspension, revocation or refusal to renew a licence. The Licensing **Committee may consider the driver to complete the Level 2 Certificate in Taxi Driving if appropriate.**
12. Any person whose licence is suspended, revoked or not renewed in this way may appeal to the Magistrates Court against the Council's decision. Appeals must be lodged with the Magistrates Court within 21 days of notification of that decision.
13. A driving conviction will incur the same number of penalty points as are endorsed on the DVLA licence.
14. **It should be noted that a vehicle licence will be suspended immediately it becomes apparent that a vehicle may not be properly insured.**

INTERPRETATION

15. The penalty point scheme is self-explanatory but the following situations may require further explanation:
 - a) Where licensee is an owner/driver, are both licences suspended when a total of 12 penalty points have accrued, some against the driver's licence and others against the vehicle?

No. The scheme states that, where a licensee incurs **more than** 12 penalty points in period of three years, the licence will be suspended. Penalty points will accrue against either the vehicle or the driver licence and any suspension will only apply when 12 points have accrued against one or the other.
 - b) What is the position where a licensee owns multiple vehicles?

Following the same logic, points will accrue against particular vehicle licences and only those licences where the 12 point ceiling is exceeded will be suspended. This may mean that a proprietor owning several vehicles could incur a substantial number of penalty points without ever having a vehicle

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licence suspended. However, if a profile emerges that a proprietor has penalty points against all or most of the vehicles in his fleet, the Council could consider whether he/she is a 'fit and proper person' to be a licensee.

- c) What happens when a vehicle is changed?

The licence number remains constant when the vehicle is changed. Therefore, once penalty points are endorsed on a vehicle licence they will remain valid, even if the vehicle is changed in the meantime.

- d) What happens when a vehicle licence is transferred?

In this scenario any penalty points recorded on a vehicle licence would become null and void. It would not be fair or reasonable to transfer the penalty points incurred by one licensee to another.

GROUP 1

PENALTY POINTS SYSTEM RELATING TO HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS

BASIS OF OFFENCE	POINTS AWARDED
Any action which invalidates the insurance cover for the vehicle	8 Penalty Points
Carrying more passengers than the vehicle is licensed for	8 Penalty Points
Failure to wear a driver's badge	3 Penalty Points
Failure to disclose a driving conviction within 7 days	4 Penalty Points
Failure to notify change of details, e.g. address within 7 days	2 Penalty Points
Smoking or evidence of smoking in a vehicle	6 Penalty Points
Failure to produce documents when requested	6 Penalty Points
Failure to behave in a civil and orderly manner (including rude or aggressive behaviour towards the public or council staff)	6 Penalty Points
Breach of any condition not specified above	2/12 Penalty Points

GROUP 2

PENALTY POINTS SYSTEM RELATING TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLES

BASIS OF OFFENCE	POINTS AWARDED	PERSON RESPONSIBLE
Failure to display identification plates correctly	6 Penalty Points	Driver/Proprietor
Failure to display fare tariff correctly (hackney carriage only)	4 Penalty Points	Driver/Proprietor
Failure to display interior label correctly	4 Penalty Points	Driver/Proprietor

APPENDIX 1 (version of handbook that was consulted on)

Incorrect meter tariffs	5 Penalty Points	Proprietor
Failure to report accident/damage to the vehicle within 72 hours	3 Penalty Points	Proprietor
Failure to carry fire extinguisher or carry in an unsafe/dangerous condition	3 Penalty Points	Driver/Proprietor
Failure to carry vehicle/driver conditions	2 Penalty Points	Driver/Proprietor
Failure to maintain a clean and tidy vehicle	4 Penalty Points	Driver/Proprietor
Failure to notify change of address within 7 days	3 Penalty Points	Proprietor
Breach of any condition not specified above	3/6 Penalty Points	Driver/Proprietor

GROUP 3

PENALTY POINTS SYSTEM RELATING TO PRIVATE HIRE VEHICLE OPERATORS

BASIS OF OFFENCE	POINTS AWARDED
Failure to produce or allow inspection of any records	6 Penalty Points
Failure to keep records of bookings in the prescribed form	5 Penalty Points
Failure to keep vehicle records	4 Penalty Points
Failure to keep driver records	4 Penalty Points
Failure to notify any conviction/formal caution	4 Penalty Points
Failure to notify a change of operation address within 7 days	3 Penalty Points
Breach of any condition not specified above	2/6 Penalty Points

GROUP 4

VARIABLE PENALTY POINTS **OR REFERRAL TO LEVEL 2 TRAINING**

In circumstances where the contravention is such that it does not fit within groups 1/3 then the appropriate officer, having given full consideration to the facts of the case will, decide on the number of the penalty points to be awarded, **or if the driver should be referred for further training in the format of a Level 2 qualification.** This would include instances where a complaint was found to be justified relating to:

- a) Over charging.
- b) **Refusing to carry a guide or assistance dog or disabled passenger.**
- c) Not moving forward on rank as soon as space is available.
- d) **Unnecessarily idling in a rank and/or on the highway.**
- d) A failure to behave in a civil, orderly, seemly and courteous manner.
- e) Failure to assist any passenger.

Drivers can appeal decisions to be referred for the level 2 qualification in writing to the Head of Planning and Growth. This will result in a hearing in front of the Licensing Sub-Committee for consideration. Persistent breaches could result in the revocation of the licence and or prosecution under relevant legislation.

APPENDIX 2 (consultation responses)

STAKEHOLDER	COMMENT	SUGGESTION/ANSWER
(SEBC Driver)	Vehicle age (5 year max)	Discuss – possible suggestions to lower the age to 6 years and keep the exceptional condition allowance for older vehicles
(SEBC Driver)	2 tests annually	Wasn't clear about the tests being one taxi test and one MOT staggered 6 months apart. Have now clarified this with him
(SEBC Driver)	Requesting information on vehicle registered in the last 2 years which were 5 years old and lost property (also number of hackney spaces – set in bylaws)	Will do some research on vehicles Replied stating that the handbook states lost property reported to police and not to be handed in
(SEBC Driver)	Vehicle age (5 year) slight misunderstanding at when he would need to purchase a newer car. Agrees with twice annual testing.	Initially let driver know it is only when the existing vehicle no longer passes a test (unsafe) or needs replacing due to accident
(SEBC Driver)	Disagrees with vehicle age (5 year) and engine size (1500 cc min). Would like to see evidence that age –v- mileage requires change and also new technology means smaller engines manage in bigger cars	Replied stating that we would do more research on smaller engine saloon vehicles
(SEBC Driver)	Disabled Logo on both windows (over the top) and seatbelt laws Taxi plate positioning impossible on Vivaro vehicle due to contour of vehicle	Consider only having one seatbelt sticker on passenger side and reiterating seatbelt laws within the handbook Wording change on position of plate
(SEBC Driver)	Vehicle Age (5 year)	Replied stating that newly plated vehicles and replacement vehicles proposing to be max 5 years unless in exceptionally good condition
(SEBC Driver)	Agrees with the door signs for private hire vehicles but does not agree with the 5 year max age.	No suggestions
(SEBC Driver)	Doesn't agree with the 5 year max age restriction	Proposal of 6 years not 5 years and less than 100k on the clock for first grant or replacement vehicles. Exceptional quality Exemption
Skoda Deputy Business Manager	Disagrees that the newer eco engines under 1.6 diesel are fit to carry families and	More research on other vehicles makes to be done

APPENDIX 2 (consultation responses)

	luggage as taxis	
(SEBC Driver)	<p>Seat width clarification, we test for 16inches per person. It is on the test sheet but not in the handbook.</p> <p>Testing fraud, 1 year allowance for new drivers, English Language Test.</p> <p>5 year max vehicle age</p>	<p>Will add this to the handbook</p> <p>ID is required for all courses. Allowing drivers an introductory year to drive and learn for the level 2 certificate gave the college and ourselves time to introduce the course. This will be modified in our guidance that all new drivers will have to have completed the certificate before applying for a licence from December 2017. We test all new drivers in-house now and assess their English. There is a free English course if the driver wishes to proceed.</p> <p>This is still under discussion with the working party and councillors. There will be an exceptional quality exemption for older cars</p>
(SEBC driver)	<p>Mid term test</p> <p>5 year old max age</p>	<p>This was just to clarify that it wasn't an extra test, just to separate the mot from the taxi test</p> <p>This is still up for debate</p>
(Guide Dogs Association)	<p>Enforcing the need for equality training, enforcement if the drivers refuse or overcharge, medical exemptions</p>	<p>Training needs are being met with our mandatory training. Slides given to the association. Medical Exemption certificates will be created once the handbook is adopted but to date we haven't had anyone request one</p>
(SEBC councillor and driver)	<p>5 year max age</p>	<p>Research has been done on 24 month new plated vehicles to be added to the report</p>
(SEBC driver)	<p>5 year max age</p> <p>Hackneys to log all of their fares</p> <p>All new drivers to live within 15 miles of St Eds</p> <p>All tints on windows to be removed from people carriers</p> <p>Taxi marshal to direct vehicles or make all licenses hackneys</p>	<p>Age up for debate</p> <p>Hackneys can be hailed and not pre-booked so not practical</p> <p>Seems an unreasonable request as work can be sub-contracted</p> <p>Vehicles already have a requirement to have no less than 70% light transmission</p> <p>This is not practical</p>
(SEBC driver)	<p>P18 item 13 Hackney plate to be fitted to top left of</p>	<p>To be considered</p>

APPENDIX 2 (consultation responses)

	<p>windscreen P9 Item 24 No track suit bottoms Hackney plates fitted so not to alter letters or numbers Electronic vapour cigarettes should be banned Item 16 p11</p> <p>No fold down seats for entry/exit P18 item 2b in 1600 cc Hackney Roof sign 30inc Buggies being transported with the child inside</p>	<p>Already in check</p> <p>Not sure we can do this</p> <p>Employ SIA door staff to marshal to prevent illegal plying for hire by Private Hires. Police paid for this once in Newmarket, drivers complained. This is already in force</p> <p>We are considering 1200cc Standard Size Mandatory training</p>
(SEBC Driver)	<p>5 year max age limit Poor maintenance of vehicles 1200cc vehicle The requirement of 48inches for the rear seat for 3 passengers English language test</p>	<p>Up for debate 6 monthly testing Discussed To be added to the handbook</p> <p>In-house tests are being conducted already</p>
(SEBC Driver)	<p>2 tests for vehicles annually</p>	<p>Test and Mot to be 6 months apart</p>
(Councillor) (Portfolio Holder)	<p>1200CC of vehicle –v- BHP of cleaner, smaller engines</p>	<p>More research into the smaller eco engines in saloon cars will need to be done</p>
(Councillor)	<p>Suggested wording changes</p>	<p>P8 no.23 to add wording 'Failure to do so may result in the licence being revoked' P15 2(g) 'tyre sealant repair kit must be in date' P16 3 (b) add 'must be in date' P23 21. Convictions: Add 'for DVLA disqualifications where you have been banned from driving, you must surrender your licence to the licensing authority immediately' P13 warning note should be in bold and caps</p>
(Council Staff Environment team)	<p>Positive comment regarding unnecessary idling in the ranks/highway</p>	<p>This was put in the handbook after a response from various sources about air pollution</p>

APPENDIX 2 (consultation responses)

16th March Drop-in session comments:

(member of the public with an assistance dog) required drivers to have disability discrimination training. This has already been addressed with our mandatory training and we have included good enforcement and guidance in our book.

(SEBC driver) concerns about the 5 year old maximum rule at first plate

(SEBC driver) concerns about the 5 year old age restriction on first plating/replacing. Wants to see more enforcement of private hire illegal pick ups. And feels that the SEBC licensed drivers market is at saturation point and there is not enough work to go around.

(SEBC driver) 5 year vehicle age.

(SEBC driver) Size of first aid box? 5 year age restriction and twice yearly testing.

(SEBC driver) 5 year restriction

(SEBC driver) Interior hackney plates not clearly visible.

(SEBC) reiterating that his passengers do not want wheelchair accessible vehicles to be lit up with stickers, makes passengers feel uncomfortable.

(SEBC) 5 year age restriction

(SEBC) Mercedes Vito's headroom is too low for a wheelchair (to check) and the condition to make all hackneys plated after 2008 (wheelchair accessible) not to be brand new but to allow them to put on a replacement vehicle of 1 year old.

(SEBC) thinks the 5 year age of vehicle should be 10 years.

(SEBC) 5 year age of vehicle, stricter rules on the condition of the vehicle, allow outside testing stations instead of just using SEBC depot, private hire sticker inside the vehicle

(SEBC) nothing relevant to the handbook

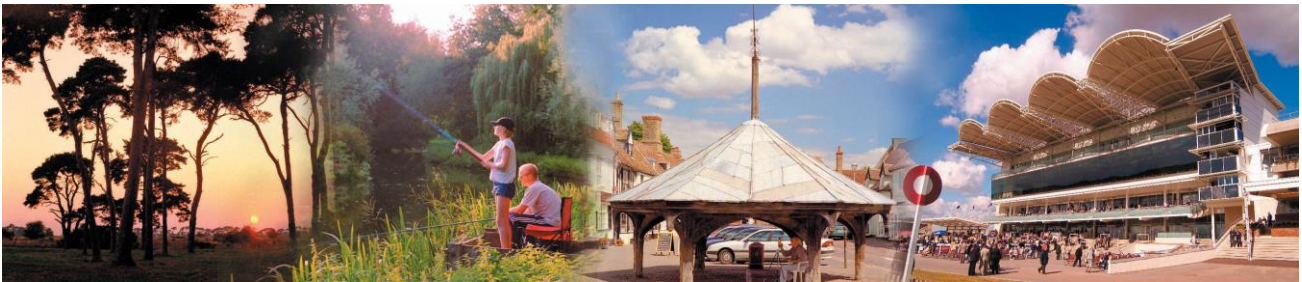
(SEBC) 5 year old age restriction and English test

(SEBC) thinks the 5 year age limit on new plates is a GOOD idea as well as having a minimum mileage, twice yearly testing also a good idea. Also thinks a maximum mileage or age too should be considered to help us get the vehicles off the road when they reach the end of their safe use.

(SEBC) 5 year old concerns, wants to have a higher tariff to collect disabled passengers (not legal).

FOREST HEATH DISTRICT COUNCIL

Hackney Carriage and Private Hire Licensing Handbook



Forest Heath
District Council

PORTFOLIO HOLDER:	Lance Stanbury
DOCUMENT AUTHOR:	Amanda Garnham, Sheila Gowans, Licensing Department
DATE DOCUMENT APPROVED AT: -	

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INTRODUCTION

Forest Heath District Council licences the following:

Hackney Carriage and Private Hire Vehicle Drivers;
Hackney Carriage Vehicles;
Private Hire Vehicles;
Private Hire Operators.

The relevant legislation includes:

- Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Public Health Act of 1875.

In addition to the statutory requirements, the Council has made byelaws relating to Hackney Carriages. All vehicle drivers are required to comply with the Council's conditions and byelaws and also with general motoring legislation.

The Council aims to promote public safety and confidence in the Hackney Carriage and Private Hire trades by maintaining the highest possible standards. All licensed drivers are expected to conduct themselves in a professional and courteous manner at all times.

With the co-operation of the trade the Council will seek to achieve this aim by:

- Ensuring that all Hackney Carriages and Private Hire Vehicles are mechanically maintained to a high standard and regularly inspected.
- Ensuring that all Hackney Carriage and Private Hire Vehicle drivers are fit and proper persons to act as such.

Information provided to the Licensing Officers will be used for health, safety and licensing purposes. Information may be used for other Council functions, where this is permitted by law. The Council is registered under the Data Protection Act 1998 for these purposes.

The Council is under a duty to protect the public funds it administers, and to this end may use the information you provide for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details

Forest Heath District Council,
College Heath Road,
Mildenhall
Bury St Edmunds
IP28 7EY.

Tel: 01284 758050

Email: licensing@westsuffolk.gov.uk

Web: www.westsuffolk.gov.uk

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The normal office hours are 8:45am to 5.00pm Monday to Friday. Appointments are required if you need to see an Officer, otherwise documents and forms can be left with customer services in reception.

Payment of Licence Fees

Payments can be made in the following ways:

- By Cheque (payable to Forest Heath District Council)
- By Debit Card or Credit Card (all credit card payments have a surcharge)

Definitions

'The Council'	means Forest Heath District Council.
'The District'	means the area of the Council.
'Proprietor'	means the person or persons named in the licence as the proprietor of a hackney carriage or private hire vehicle.
'Hackney Carriage'	has the same meaning as in the Town Police Clauses Act 1847.
'Vehicle'	means the hackney carriage or private hire vehicle in respect of which a licence is issued.
'The Licensee'	means the individual(s) who is/are named on a licence granted by the council.
'Private Hire Vehicle'	means a motor vehicle constructed or adapted to seat fewer than nine passengers other than a hackney carriage, which is provided for hire with the services of a driver for the purpose of carrying passengers.
'Operate'	is defined as meaning in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.
'Drivers Licence'	The term drivers licence is used, without hackney or combine etc. If you was a lay person just reading a particular section it could be unclear – it's not consistent all the way through and sometimes refers to a DVLA licence.

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HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

New applicants can apply for a combined drivers badge. The combined badge allows you to drive both private hire and hackney carriage vehicles.

All new Drivers must complete a mandatory Level 2 certificate in Taxi and Private Hire Driving, or similar qualification prior to applying for a licence.

How to submit your application

Please refer to the Guidance Notes for step by step instruction on the application process. These can be found on our Council Website

http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Guidance-Notes-Driver-Jan-2017-FHDC-V2.pdf

Applicants must make sure that the application form is fully completed before submitting it with all the original supporting documents and the correct fee. Payment should be made by card or a cheque made payable to Forest Heath District Council. Applications can be submitted at the address below Monday to Friday 8.45 am to 5.00 pm.

Forest Heath District Council,
College Heath Road,
Mildenhall
Bury St Edmunds
IP28 7EY.

The Council does not accept incomplete applications under any circumstances.

Please note:

All documents must be originals; photo copies are not acceptable. Where applicable the applicant must provide, at their own expense, a written English translation of relevant documents/certificates, together with documentary proof that the translation is correct.

1. Applications may be referred to the Licensing Committee for consideration. You will be invited to attend the Committee meeting to speak in support of your application.
2. Where an applicant, at the time of application has not reached 21 years of age the application will be referred to the Licensing Committee for determination.
3. A Driver's Licence usually lasts for three years, although it may be issued for a lesser period at the Council's discretion.

LICENSED DRIVER CONDITIONS – Applies to All Drivers

1. The applicant must be properly authorised to drive motor cars holding either a Group A or Category B licence issued by the DVLA, this includes EU and Northern Irish licences as defined in the Road Traffic Act 1988. The applicant must have held a full national driving licence for a period of 12 months.

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2. Drivers will note the provisions of the conditions relating to licensed vehicles. It is important that drivers ensure that the vehicles they drive comply with the said conditions.
3. The Council has a Disciplinary Code, which sets out the principles and procedures by which breaches of statutory provisions, Council's bylaws, or the contravention of any of the Council's Standard Conditions will be dealt with. Serious breaches could result in suspension or revocation of your licence.
4. Every driver of a licensed vehicle is required to be licensed, the only exception being a qualified person testing a licensed vehicle or it's Taximeter.
5. A person acting as the driver of a licensed vehicle without a valid licence, commits a criminal offence, as does the proprietor who actually employs the unlicensed driver.
6. The Council will not grant a driver's licence unless satisfied that the applicant is a fit and proper person to hold a driver's licence for licensed vehicles.
7. The Council may suspend, revoke or refuse to renew a Driver's Licence if since the licence was granted the driver has:-
 - (a) Been convicted of an offence involving dishonesty, indecency or violence; or
 - (b) Been convicted of an offence under, or has failed to comply with, the provisions of the 1847 and 1976 Acts; or
 - (c) For any other reasonable cause.
8. Licensed drivers are required to hand their licences to the proprietor of the licensed vehicle they drive.
9. Private hire Vehicle drivers shall not:-
 - (a) Park the vehicle on any hackney carriage stand for any reason; or
 - (b) Stand or ply for hire or offer the private hire vehicle for immediate hire while on a road or other public place; 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).
10. The driver shall take all reasonable steps to ensure the safety and welfare of all passengers driven by him/her.
11. Where a vehicle is constructed or adapted for the transportation of disabled persons, the driver shall convey the disabled passenger and any aids including assistance animals, (such animals to be carried free of charge), unless the driver has a council dispensation displayed in the vehicle, or an exemption certificate. Drivers must afford reasonable help to a disabled passenger to aid getting in and out of the vehicle and to or from any building if requested.
12. The driver will treat all members of the public with courtesy and respect.

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13. The driver will ensure that all plates, labels and stickers supplied by the Council are displayed and legible at all times.
14. The driver will display his badge at all times when working so that it's visible to members of the public.
15. The driver will only take refreshment in the vehicle at times when it is parked and not in service.
16. The driver will turn any entertainment off or down at the request of any passenger.
17. The driver will carry a reasonable quantity of luggage when requested by any passenger. Drivers must offer all reasonable assistance to load and unload luggage.
18. The driver will check the vehicle for any lost property between each fare, and report any lost property to the police at the earliest opportunity.
19. The driver must be punctual and take the shortest available route to the destination unless an alternative route is requested by the passenger whilst observing all relevant highway and traffic laws.
20. The driver will carry a copy of the conditions at all times when the vehicle is in service and make it available to members of the public on request.
21. 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.
22. The driver must ensure the vehicle is maintained in a clean and satisfactory condition at all times.
23. The driver must notify the council in writing within seven 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.
24. The driver must 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.
 - (iii) **Use a mobile phone whilst driving as per the current legislation**

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- (b) Carry any other person in the vehicle without the express consent of any other passengers carried in the vehicle;
- (c) Provide any alcoholic drinks within the vehicle unless there is an appropriate licence in force;
- (d) Drivers are expected to be smart and clean in appearance at all times. They must maintain a high standard of personal hygiene and not dress in a manner which is likely to embarrass or offend. Flip flops, cropped shorts and tight vest tops are not considered professional attire.

25. The driver must not refuse assistance dogs. Reported refusals will result initially in disciplinary action according to our disciplinary and points guidance. Repeated refusal may result in the driver being prosecuted.

Drivers can apply to the council for an assistance dog exemption certificate. A medical exemption report must come from the drivers own registered GP, for example; severe allergies or asthma related to animals. The driver must display the medical exemption as per council instructions and allow passengers to inspect the exemption on request.

26. The driver must not refuse disabled or wheelchair users. Wheelchair users must be charged the same as non wheelchair users. Reported refusals or over charging will result initially in disciplinary action according to our disciplinary and points guidance. Repeated offences may result in the driver being prosecuted. New legislation comes into force on 6 April 2017.

<https://www.gov.uk/government/news/law-change-demands-equal-treatment-for-disabled-taxi-users>

27. The Driver must surrender his licence to the Council, within seven days, if they receive a driving ban through a conviction.

28. The driver must complete mandatory training as directed by the Council.

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26. BYELAWS

Made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 by the District Council of Forest Heath with respect to Hackney Carriages in the district of Forest Heath

1. The driver of a Hackney Carriage for which stands are affixed shall, when plying for hire in any street and not actually hired:
 - (a) Proceed with reasonable speed to one of the stands fixed by the Council in that behalf;
 - (b) on arrival at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (c) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
2. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
3. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
4. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
5. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage (either with the licence granted to him by the Council or afterwards), he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
6. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
7. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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8. A proprietor or driver of a Hackney Carriage who shall knowingly carry the dead body of any person shall, immediately thereafter, notify the fact to the Environmental Services Manager of the Council.
9. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare fixed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time, when the rate or fare shall be subject to individual contract.

Provided always that, for the avoidance of doubt, where a Hackney Carriage furnished with a taximeter is hired by distance, the proprietor or driver thereof shall be entitled to demand and take a fare greater than that recorded on the face of the taximeter where those extra charges are authorised by the table of Hackney Carriage fares fixed by the Council and which cannot be recorded on the face of the taximeter.

10. (a) The proprietor of a Hackney Carriage for which any fares are fixed by the Council shall:
 - (i) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures;
 - (ii) renew such letters and figures as often as is necessary to keep them clearly visible and current.
- (b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
11. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible (and in any event within 24 hours), if not sooner claimed by or on behalf of its owner, to the Forest Heath District Council Offices in Mildenhall for safe keeping and subsequent return to the rightful owner if found.

Penalties

12. Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

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PRIVATE HIRE VEHICLE OPERATORS' LICENCE

Guidance Notes

1. It is a criminal offence to operate a Private Hire Vehicle within the Forest Heath District without having a Private Hire Vehicle Operator's Licence.
2. The Council can grant Private Hire Vehicle Operators' Licences upon application to a fit and proper person.
3. The Council may attach to the grant of a licence such conditions as it may consider reasonably necessary.

Conditions

1. An operator shall record details of every Private Hire booking made. The following information shall be recorded in an easily retrievable method (page numbered log or computer database) before the commencement of each journey and shall include the following:
 - The date and time of each booking
 - How the booking was received, i.e. telephone or personal call
 - The time of the pick up
 - Where the journey was from and to
 - The name and address of the hirer
 - The private hire licence plate number of the vehicle allocated the booking

The records shall be kept for one year or such longer period if stated by the Council.

The records shall be produced, on request, to any police officer or authorised officer of the council

2. An operator shall maintain at his premises details of all vehicles operated by him/her, which shall include the following
 - The private hire plate number
 - Vehicle registration number
 - Name and address of the proprietor of the vehicle
 - Name(s) and address(es) of the driver(s) of the vehicle(s)
 - Badge numbers of the driver(s)

The above records shall be produced on request to any authorised officer of the council or Police officer.

3. No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking.
4. The operator shall ensure that when a private hire vehicle has been hired, the vehicle shall, unless delayed or prevented attend punctually the appointed time and place.

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5. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting,
 - (a) Ensure that any waiting area provided has adequate seating facilities,
 - (b) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that defects are repaired promptly,
 - (c) Ensure any person who is drunk or otherwise misbehaving shall be removed from any licensed operating premises.
6. An operator shall ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their drivers licence and or private hire vehicle licence.
7. It is an offence to refuse to carry assistance dogs unless the driver has a medical exemption certificate.
8. Change of address (including any address from which an operator conducts their business) must be notified to the Council within 7 days of such a change taking place.
9. The operator shall within 7 days disclose to the council in writing details of any conviction imposed on him/her during the period of the licence.
10. An Operator shall not include in his/her trading title, or in any advertising whether in publication or by the display of notices or by means of a circular, or business card, any reference to “taxi”, “taxi cab” or “cab” or any other description which may suggest the operation of a hackney carriage business

NOTE

The council may suspend, revoke or refuse to renew the operators licence if any of these conditions are not complied with.

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HACKNEY CARRIAGE VEHICLE LICENCES

Guidance Notes

1. Hackney Carriages are licensed to ply, or stand for hire, within the licensing district for which they hold a Hackney Carriage Licence. Plying means that they can be hailed while on the move, or obtained if stationary and available for hire in the street. A vehicle is standing for hire if it is on a properly appointed hackney carriage stand. The principal feature being that they can carry passengers for hire or reward.
2. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. For any new vehicle application, the vehicle must be wheelchair accessible and be capable of carrying at least one passenger seated in a wheelchair.
3. Once licensed as a Hackney Carriage the vehicle remains a Hackney Carriage until such a time as the licence is surrendered, suspended, revoked, or application for renewal is refused.
4. Only a licensed Driver may drive a Hackney Carriage, and then only if the vehicle is licensed with the same Local Authority that issued his Hackney Carriage Driver's Licence.
5. Hackney Carriage Vehicle Licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the Licence Conditions
6. It is a criminal offence to use a vehicle as a Hackney Carriage plying for hire within the Forest Heath District of Suffolk without having a Hackney Carriage Licence.
7. The Council can grant Hackney Carriage Licences upon application. The Council may attach to the grant of a Hackney Carriage Licence such conditions as it deems necessary.
8. The Council may make conditions as to the type of vehicle that can be used for Hackney Carriage work. These can cover the size, methods of access and egress, colour, number of seats, number of doors and other such specific matters.

Conditions

1. The Vehicle

- (a) The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a Hackney Carriage and the vehicle must either:-
- (b) Be a purpose built taxi which conforms to the Conditions of Fitness for the Construction and Licensing of Motor Taxicabs in London as prescribed by the Public Carriage Office; of any colour: or,
- (c) Be a saloon, hatchback, estate or MPV/minibus type vehicle. It must be painted black with the exception of:-

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- (i) The outer face of the bonnet;
 - (iii) The outer face of the boot lid in the case of saloons, or the outer face of the opening tailgate in the case of hatchbacks, estates or MPV/minibuses, all of which must be painted yellow.
- (d) In connection with (c) above KPMF 100 MICRON VWS Vehicle Film may be used as an alternative to paint as a means of achieving a yellow finish to the bonnet and boot of Hackney Carriage Vehicles;
- (e) Be no more than three years and three months old at the time the first application is made to the Council for a licence.
- 2. The vehicle must:-**
- (a) At all times throughout the period of licensing be in such a condition so as to comply fully with all relevant statutory requirements (including the Council's byelaws and standard conditions).
 - (b) Have an engine, the normal cubic capacity of which is either:-
 - (i) Not less than **1200cc**; (unless an MPV – see separate section) or
 - (ii) Rated by the vehicle manufacturers as being equivalent to **1200cc** engine;
 - (iii) In the case of hybrid, or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a **1200cc** engine.
 - (c) Be a right-hand drive vehicle.
 - (d) Have, at least 4 doors in addition to any rear door/tailgate; In the case of MPV/Minibus type vehicles nearside and offside sliding side access doors are allowed.
 - (e) Be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers.
 - (f) If an estate, hatchback or MPV/minibus type vehicle, be fitted with a guard rail or other device of a type approved by the Council to prevent luggage entering the passenger area;
 - (g) Be fitted with either all radial or all cross ply tyres and the spare wheel and tyre must be of the same type as those fitted to the vehicle, **an in date tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel marked with plate number**
 - (h) Be provided with a taxi meter fitted and working in accordance with both the Byelaws and the Standard Conditions made by the Council regarding taxi meters;
 - (i) Have a permanent sign on the roof indicating that it is a **TAXI**;
 - (j) Be fitted with a sign bearing the words "**FOR HIRE**";

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- (k) Have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat; **For a continuous seat, the length of the seat needs to be a minimum of 48" to be licensed for 3 passengers.**
 - (l) Not be in excess of 5334mm (210 inches) in length.
- 3. The proprietor will:**
- (a) Keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements;
 - (b) Provide an efficient fire extinguisher suitable for use in a motor vehicle, which shall be carried in such a position as to be readily available for use at all times. **An in date fire extinguisher must be permanently marked with the vehicle plate or registration number;**
 - (c) Not alter the appearance of design of the vehicle (including the mechanical parts) without the prior approval of the Council. This would include the installation of safety screens or similar within the vehicle;
 - (d) Ensure that every driver employed by him to drive a Hackney Carriage is acquainted with, understands and observes the conditions attached to that particular vehicle licence and the statutory provisions relating to all such Hackney Carriage Vehicle Licences.
 - (e) It is illegal to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward). Drivers must ensure that a NO SMOKING sign in each enclosed compartment of the vehicle in which people can be carried.

4. Taximeters

The vehicle will be fitted with a taximeter that is calendar facilitating.

- (a) The taximeter must be programmed/calibrated and set to the Council's table of Hackney Carriage Fares as may be in operation at that time. **Failure to keep the taximeter up to date with the current Council's table of fares may result in the vehicle licence being suspended.**
- (b) No tariffs other or greater than those currently fixed by the Council shall be displayed on the face of the taximeter. **The taximeter must be sealed.**
- (c) A current fare/tariff card as issued by the Council showing the full table of Hackney Carriage fares shall be clearly and visible displayed within the vehicle at all times.
- (d) The dial of the taximeter must be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, and also at any other time at the request of the hirer.

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5. Roof Sign/ For Hire Sign

- (a) The vehicle shall be fitted with a permanent sign on the roof bearing the word "TAXI" in black lettering to the front and rear. The words "FOR HIRE" shall appear on either side of the word "TAXI". The sign shall be illuminated in YELLOW to the front and RED to the rear. In the case of MPV/Minibus type vehicles the roof sign must be not less than 75cm and not exceeding 90cm in length. (Purpose built vehicles with signs forming an integral part of the roof are exempt).
- (b) In cases where the roof sign has a minimum base of 60cm (24ins) the rear face of the sign may be used to display the proprietor's business name and/or telephone number. The words "TACSI" or "TAKSI" must not be used.
- (c) A separate For Hire sign will be fitted to the vehicle where the roof sign does not bear the words For Hire.
- (d) There must be an electrical connection to both the roof and for hire signs causing both signs to be capable of being illuminated. **Illumination must be capable of being visible during the day and at night.**
- (e) The illumination should automatically be extinguished when the taximeter is engaged. Any illumination must not contravene any statutory requirement.

6. Licence Plates and Labels

The Council will provide a plate and a label identifying the vehicle as a Hackney Carriage. The plate will be for the duration of the licence. The plate will be fixed to the rear of the vehicle so as to be clearly visible and the label fixed and displayed inside the vehicle, again clearly visible. The plate shall remain the property of the Council.

7. Passengers

The proprietor /driver of the vehicle shall not carry a greater number of persons than that specified on the licence. Babies and young children of whatever age are persons for the purpose of the licence.

8. First Aid Kit

A first aid kit should be carried in the vehicle to enable the driver to administer basic first aid to himself only, or to enable those trained in its use to render assistance. **First aid kit should contain sterile bandages and plasters that are in date.**

9. Advertisements – Signs - Notices

The vehicle shall be free from any sign or notices except as may be required by any statutory provision or required by these conditions. With this proviso advertisements' are permitted on the exterior of the vehicle. Front doors may carry the contact details of the proprietor. Rear doors may carry commercial advertising. A single product/service may be advertised at any one time. The advert must be suitable for a

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vehicle in public service and considered by the Council to be in-offensive. The advert shall be no larger than 30cm x 60cm.

10. Temporary Replacement Vehicles

- (a) The provision of a Temporary Replacement Vehicle is limited to cases where the original vehicle is unroadworthy and unsuitable for use as a Hackney Carriage as a result of a non-fault accident.
- (b) On such occasions and only these occasions the Standard Conditions made in relation to the required vehicle livery are waived.
- (c) The maximum length of time that a temporary replacement vehicle can operate as a Hackney Carriage within the District in relation to each particular occurrence is 6 weeks (**42 days**).
- (d) The replacement vehicle must not have a greater passenger seating capacity than the original vehicle.
- (e) Prior to the grant and issue of a temporary Hackney Carriage Vehicle Licence the vehicle must be tested and inspected by one of the Council's Vehicle inspectors.
- (f) All temporary vehicle licences together with licence plates and labels shall remain the property of the Council and must be returned to the Council on the expiry of the licence.
- (g) The vehicle must be, and remain at all times throughout the period of licensing in such a condition as so to comply fully with all relevant statutory requirements and to the Council's byelaws and Standard Conditions.

11. Multi Passenger Vehicles (MPV'S)

This refers to vehicles licensed to carry more than four but less than nine passengers.

The number of passengers which the vehicle is licensed to carry will in all cases be subject to the discretion of the Council.

- (a) The vehicle must have a minimum engine capacity of **1600cc** (this shall include vehicles identified as 1.6 litre models by the manufacturer);
- (b) The majority of seats must be forward facing, (where provided, tip-down seats may face the rear); such seats must be capable of rising automatically when not in use and must not obstruct doorways;
- (c) Access from the doors to the seats (and vice-versa) must be direct without the need for seats to be moved, and without the need for passengers to climb over seats, parts of seats or luggage.
- (d) In order to provide unrestricted access from the third row of seats to a doorway there must be an aisle or gangway provided.

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- (e) There must be adequate, secure storage space for all passengers luggage preferably within the vehicle. The arrangements for storing luggage must not obstruct access to the vehicle exits or affect passenger comfort.
- (f) If when the vehicle is fully occupied there is insufficient space within the vehicle for storage of luggage then a roof rack may be fitted providing that (A) the luggage is stored in a purpose built luggage carrier, and, (B) that the roof load does not exceed the maximum weight recommended by the vehicle manufacturers.

12. Wheelchair Accessibility

General

- (a) The Council will not grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps.
- (b) Vehicles using either a hydraulic or an electric powered tail lift to load wheelchairs and passengers into the rear of the vehicle are exempt from the above condition.
- (c) Passengers, regardless of any disability, must be able to get in and out of the vehicle with reasonable ease and travel within it in safety and reasonable comfort while remaining seated in their wheelchair, if so required.
- (d) The wheelchair user must on request be able to transfer to a vehicle seat.
- (e) The vehicle must display, on both nearside and offside front doors, a sign depicting the universally recognised disabled logo. **(on the door where the passenger will be loaded)**
- (e) All vehicles must be capable of complying with the appropriate vehicle licence conditions.

Entry to the Vehicle

- (a) Any doorway used to load wheelchair users must provide **adequate height and width to allow passengers to be loaded whilst seated in their wheelchair.**
- (b) Any steps, either fixed or retractable, must be permanently secured at the point of entry.
- (c) The surface of all steps must be slip resistant. Step nosing must be designed to minimise risk of tripping and must be in a contrasting colour.
- (d) Steps must be fitted in such a manner that the vehicle cannot be driven off while the step is deployed and in a position where it extends beyond the vertical line of the bodywork.
- (e) Handrails or Handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.

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- (f) The surface of every handrail or handhold must contrast in colour from the surrounding surfaces and be of a slip resistant finish.
- (g) Any ramp must provide a surface of at least 750mm wide and shall have a minimum safe working load of 250kg. The ramp must not exceed 1700mm in length.
- (h) When in use the ramp must be securely located at the point of wheelchair entry. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use.
- (i) Channel ramps must not be used. However, ramps which fold are permitted provided the ramp is rigid when deployed.
- (j) The surface of all ramps must have a slip resistant finish.
- (k) All outer edges must be clearly marked in a contrasting colour.
- (l) Provision must be made for the safe storage of the ramp when not in use.

Wheelchair within the Vehicle

- (a) The wheelchair user must travel in a space designated for that purpose.
- (b) The area required for the wheelchair must be of sufficient size to allow a wheelchair to be moved from outside the vehicle into the designated space without excessive manoeuvring.
- (c) Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- (d) All wheelchairs must be securely fastened.
- (e) Passengers occupying a wheelchair must be provided with a seat belt.
- (f) The vehicle must not be driven until both the wheelchair and its occupant have been properly and securely fastened in the vehicle by means of appropriate restraining devices.
- (g) Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.
- (h) A non-slip material must be used for the surface of the flooring in the designated wheelchair space.

In addition the proprietor of every vehicle licensed to carry passengers seated in wheelchairs shall ensure:

- (a) That all drivers of such vehicles have attended a disability awareness training course. **(The certificate of attendance must be presented to the Council).**

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- (b) That any additional equipment such as clamps, ramps and belts, required to cater for wheelchair passengers are carried at all times and are in a fit and serviceable condition.
- (c) That the driver is familiar with the operation of and the functionality of all devices designed to help passengers to get in and out of the vehicle, all drivers should be trained in the use of all relevant belts and other restraint and locking mechanisms.

13. Trailers

- (a) Only vehicles licensed by the Council to carry 6 7 or 8 passengers are permitted to tow a trailer.
- (b) A trailer may only be used for the purpose of conveying the luggage of fare paying passengers whilst they are being conveyed within the vehicle and for no other purpose. All journeys would be those where the vehicle has been pre-booked.
- (c) No trailer may be used in conjunction with either a Hackney Carriage or Private Hire Vehicle unless that trailer has first been inspected and approved by one of the Council's approved vehicle inspectors for suitability, safety and compliance with all relevant legislation. Fees are payable for each test and inspection.
- (d) Whilst a Hackney Carriage is towing a trailer it is not permitted to use a Hackney Carriage rank.
- (e) Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.
- (f) A current certificate of insurance must be produced to the Council which covers the use of a trailer and the vehicle licensed to tow it. **Such insurance must extend so as** to cover any luggage carried within the trailer.
- (g) Every trailer must comply in all respects with the requirements of EC94/20 type approval and any Acts and Regulations relating to trailers or parts thereof of which may be in force at the time of licensing.
- (h) An additional vehicle licence plate must be displayed on the outside rear of the trailer. This plate must carry the same details as the plate affixed to the rear of the towing vehicle.
- (i) The maximum gross weight of any trailer shall not exceed 750kg.

14. In-Car Surveillance Systems – (CCTV)

- (a) Vehicle proprietors may install image recording equipment in licensed vehicles.
- (b) An approved installer must carry out the installation in accordance with the manufacturer's instruction and the Council's conditions.
- (c) All image recording equipment must comply with the requirements of current data protection legislation.

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- (d) Equipment must be installed in such a way that it will not cause injury to the driver or the passengers, **nor should it obscure the view through the windscreen.**
- (e) Equipment must be secure and not interfere with the safe operation of the vehicle.
- (f) All cameras must be installed above the level of the dashboard within the vehicle.
- (g) Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.
- (h) There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows:-

Passenger Notice

This taxi/private hire vehicle is protected by a **Digital Surveillance Camera**. Any images recorded are held in a secure format and can only be viewed by the Licensing Authority or the Police.

15. Liquid Petroleum Gas (LPG)

LPG conversions are subject to Council approval prior to any conversion work taking place.

16. Vehicle Tests and Inspections

The vehicle shall be inspected and tested as follows:-

- (a) Prior to the granting of the initial licence – taxi test
- (b) Mid term test, six months after issue of licence. This will be your MOT.
- (c) Annually when the licence is due for renewal – taxi test.
- (d) At any other time if so requested by the Council up to a maximum of 3 separate occasions during any one period of 12 months.

The taxi test must be carried out by a vehicle inspector approved by the Council.

- (d) Any authorised officer of the Council or any Police Constable has the power to inspect and test, for the purposes of ascertaining its fitness, the vehicle or any taximeter affixed to the vehicle. If the vehicle or equipment fails such an inspection, written notice may be given on the need for further test or inspection and the licence may be suspended until that date or until any faults are rectified. A maximum of two months is given for repair or the licence shall be deemed revoked.

All vehicles licensed by the Council will be required to hold a valid MOT certificate from one year old.

17. Accidents

- (a) Any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Council within 72 hours.

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- (b) No vehicle shall be used for the carriage of passengers after suffering an accident until the vehicle has been inspected and approved by the Council.

18. Insurance

- (a) The proprietor must ensure that at all times the vehicle is insured to the satisfaction of the Council both for the requirements of Part VI of the Road Traffic Act 1988 and for the carriage of fare paying passengers (i.e. for Hire and Reward). This shall include third party insurance for personal injuries suffered by passengers.
- (b) The proprietor must produce the Certificate of Insurance or the Cover Note in respect of the insurance cover for inspection prior to the issue of the licence and each time the Certificate of Insurance or Cover Note (if appropriate) is changed, amended, varied, altered or the like.
- (c) The Council will only accept a Certificate of Insurance in either the name of the registered keeper of the vehicle or the name of the legal owner of the vehicle.

19. Transfer of Vehicles

- (a) If the proprietor of the vehicle transfers his interest in the vehicle to another person he must, within 14 days after such transfer, give written notice to the Council, specifying the name and address of the person to whom the vehicle has been transferred. The proprietor must also inform the new proprietor that it is the new proprietor's responsibility to seek a licence from the Council.
- (b) The prospective Licensee must have purchased the vehicle complete with the vehicle licence.

20. Licence Renewal

The proprietor shall, at least 14 days prior to the date of the licence's expiry, make application to the Council for a renewal of his Hackney Carriage Vehicle Licence. If an application for renewal is not received by the expiry date, the licence will lapse. It is a criminal offence to ply for hire in an unlicensed Hackney Carriage.

21. Convictions

All criminal offences, whether they be for driving or motoring or for something totally unconnected with driving/motoring must be disclosed to the Council within 7 days of conviction.

22. Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence, within seven days of such a change taking place. **There will be an administrative charge set out in the Council's fee list.**

23. Disciplinary Code

The Council has adopted a Disciplinary Code, which sets out the principles and procedures by which breaches of statutory provisions, Council's byelaws, or the

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contravention of any of the Council's Standard Conditions will be dealt with by the Council.

24. Copies of Byelaws and Conditions

The proprietor shall ensure that copies of the Council's byelaws, these Conditions and the Council's "Hackney Carriage Drivers' Notes" are carried in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

25. Inspection of Licences

The proprietor shall, at the request of the Council, produce for inspection the licence either forthwith or at the District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY before the expiration of five days, beginning with the day following that on which the request is made.

26. Right of Appeal

Any person aggrieved by the refusal of the Council to grant a Hackney Carriage Licence or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

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BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the District Council of Forest Heath with respect to Hackney Carriages in the District of Forest Heath.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

1. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage or on plates affixed thereto.
- (b) A proprietor or driver of a Hackney Carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage i.e. standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING THE FITTING, OPERATION AND USE OF TAXIMETERS IN RESPECT OF HACKNEY CARRIAGES

2. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
 - (a) the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any persons being conveyed in the carriage and, for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring;

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- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals of other appliances.
3. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

PROVISIONS FIXING THE RATES OF FARES, AS WELL FOR TIME AS DISTANCE, TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES

4. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare fixed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time, when the rate or fare shall be subject to individual contract.

Provided always that, for the avoidance of doubt, where a Hackney Carriage furnished with a taximeter is hired by distance, the proprietor or driver thereof shall be entitled to demand and take a fare greater than that recorded on the face of the taximeter where those extra charges are authorised by the table of Hackney Carriage fares fixed by the Council and which cannot be recorded on the face of the taximeter.

5. (a) The proprietor of a Hackney Carriage for which any fares are fixed by the Council shall:
- (i) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a place affixed thereto, in clearly distinguishable letters and figures;
 - (ii) renew such letters and figures as often as is necessary to keep them clearly visible and current.
- (b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

GENERAL REGULATORY PROVISIONS RELATING TO PROPRIETORS AND DRIVERS

6. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
7. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

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8. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
9. A proprietor or driver of a Hackney Carriage who shall knowingly carry the dead body of any person shall, immediately thereafter, notify the fact to the Environmental Services Manager of the Council.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

10. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring, or as soon as practicable thereafter, search the carriage for any property which may have been accidentally left therein.
11. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible (and in any event within 24 hours), if not sooner claimed by or on behalf of its owner, to the offices of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it.

PENALTIES

12. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.

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PRIVATE HIRE VEHICLE LICENCES

Guidance Notes

1. It is a criminal offence to use a Private Hire Vehicle within the Forest Heath District without having a Private Hire Vehicle Licence.
2. It is also a criminal offence to use or permit, to drive, to employ as a driver, to operate, or to operate without a driver's or vehicle licence a Private Hire Vehicle without the requisite licence under the Act.
3. Private Hire Vehicles are licensed to perform pre-booked work only. Such work must be obtained through a licensed Private Hire Operator. They must not ply for hire, wait on a taxi stand, or form an unofficial rank in public view.
4. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers.
5. Once licensed as a Private Hire Vehicle the vehicle remains a Private Hire Vehicle until such a time as the licence is surrendered, suspended, revoked, or application for renewal is refused.
6. Only a licensed driver may drive a Private Hire Vehicle and then only if the vehicle is licensed by the same Local Authority that issued his Vehicle Driver's Licence.
7. Private Hire Vehicle Licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the Licence Conditions.
8. Private Hire Vehicle includes all types of vehicle, regardless of design, which are used solely for the fulfilling of a pre-booking. The public must not be led to believe that a Private Hire Vehicle is a Hackney Carriage by its appearance or design.
Labels provided by the Council must be displayed on both rear doors advising passengers that the vehicle is to be pre-booked only.

Conditions

1. The Vehicle

- (a) The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a Private Hire Vehicle and the vehicle must:-
- (b) Not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage; in particular it must not be a "London type taxi".
- (c) Be a standard saloon, hatchback, estate or MPV/mini-bus type vehicle or be a vehicle constructed or adapted as to facilitate the carriage of a disabled person or persons in a wheelchair within the passenger compartment specifically designed to carry up to but no more than eight passengers, finished in the manufacturer's standard livery.

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- (d) Sports saloons, drop head coupes, convertibles or touring cars will not be licensed.
- (e) Be no more than three years and three months old at the time the first application is made to the Council for a licence. (In specific cases this condition may be varied in writing by the Council where in all the circumstances of the case it is reasonable to do so). Where the condition is waived the Council may attach special conditions to the licence that may include limiting the use of the vehicle or requiring extra inspection and testing. In particular, the Council may permit the licensing of a vehicle which is either:

- A classic car being over 25 years old at the time of first application; or
- A vintage car being built between 1919 and 1930 inclusive,

2. The vehicle must:

- (a) At all times throughout the period of licensing be in such a condition so as to comply with all statutory requirements (including the Councils standard conditions)
- (b) Have an engine, the normal cubic capacity of which is either:-
- (i) Not less than 1200 cc; or
 - (ii) Rated by the vehicle manufacturers as being equivalent to 1200cc engine; In the case of hybrid, or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1600cc engine.
- (c) Be a right-hand drive vehicle.
- (d) Have at least 4 doors in addition to any rear door/tailgate. In the case of MPV/minibus type vehicles nearside and offside sliding side access doors are allowed.
- (e) Be fitted with either all radial or all cross ply tyres **including the spare wheel if manufactured with one fitted. An in date tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel and marked with the vehicle plate number;**
- (f) If an estate, hatchback or MPV/minibus type vehicle, be fitted with a guardrail or other device of a type approved by the Council to prevent luggage entering the passenger area.
- (g) If storage space for luggage is provided under the vehicle's seats, have straps supplied to secure the said luggage whilst the vehicle is in transit.
- (h) Have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat. **For a continuous seat, the length of the seat needs to be a minimum of 48" to be licensed for 3 passengers.**

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3. The proprietor shall:-

- (a) Keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements;
- (b) Provide an **in date** efficient fire extinguisher suitable for use in a motor vehicle, which shall be carried in such a position as to be readily available for use at all times. **It shall be permanently marked with the vehicle plate or registration number.**
- (c) As part of Health and Safety at work legislation, a first aid kit should be carried in the vehicle to enable the driver to administer basic first aid to himself only, or to enable those trained in its use to render assistance.
- (d) Not alter the appearance of design of the vehicle (including the mechanical parts) without the prior approval of the Council. This would include the installation of safety screens or similar within the vehicle.
- (e) Ensure that every driver employed by him to drive is acquainted with, understands and observes the conditions attached to that particular vehicle licence and the Statutory Provisions relating to all such Private Hire Vehicle Licences.
- (f) It is illegal to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward). There is a requirement to display a NO SMOKING sign in each enclosed compartment of the vehicle in which people can be carried.

4. Taximeters

- (a) Private Hire Vehicles are not required by law to be fitted with a taximeter, however, if one is fitted it shall be treated in the same manner as one fitted to a Hackney Carriage and meet the conditions for meters as above.

5. N/A for Private Hire

6. Licence Plates and Labels

As per Hackney Carriage conditions with the addition of an internal plate which must be displayed in the nearside corner of the windscreen.

7. Passengers / First Aid Kit

As per Hackney Carriage conditions.

8. First Aid Kits

As per Hackney Carriage conditions.

9. Advertisements - Signs – Notices

No advertisements are permitted on Private Hire Vehicles. Labels will be provided by the Council for a fee, bearing the words 'ADVANCE BOOKINGS ONLY – NOT PRE-BOOKED NOT INSURED' .

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- (a) No sign or notice will be allowed which refers to the words "cab", "taxi", "taxi-cab" or "for hire" or similar.

10. Temporary Replacement Vehicles

As per Hackney Carriage conditions.

11. Multi Passenger Vehicles (MPV'S)

As per Hackney Carriage conditions.

12. Wheelchair Accessibility

As per Hackney Carriage conditions.

13. Trailers

As per Hackney Carriage conditions.

14. In-Car Surveillance Systems – (CCTV)

As per Hackney Carriage conditions.

15. Liquid Petroleum Gas (LPG)

As per Hackney Carriage conditions.

16. Vehicle Tests and Inspections

As per Hackney Carriage conditions.

17. Accidents

As per Hackney Carriage conditions.

18. Insurance

As per Hackney Carriage conditions.

19. Transfer of Vehicles

As per Hackney Carriage conditions.

20. Dual Registration

- (a) A vehicle licensed as a Hackney Carriage by any other Local Authority may not be licensed by the Council as a Private Hire Vehicle within the Forest Heath District.
- (b) A vehicle licensed as a Private Hire Vehicle by any other local authority may be licensed by the Council as a Private Hire Vehicle within the Forest Heath District, if the Council in its absolute discretion thinks fit.

APPENDIX 3 (final version, post consultation)

21 Licence Renewal

As per Hackney Carriage conditions.

22 Change of Address

As per Hackney Carriage conditions.

23 Copy of Conditions

As per Hackney Carriage conditions.

The proprietor shall ensure that copies of the Councils byelaws and these conditions are carried in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

24 Section 75(3) Local Government (Miscellaneous Provisions) Act 1976

- (a) The Local Government (Miscellaneous Provisions) Act 1976 requires that a Council must issue a private hire vehicle plate with an identity plate or disc and that proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a District Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centres of large towns.
- (b) Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor in writing. In determining an application it will normally be the status of the passenger and the executive of the work that will indicate whether or not the dispensation should be granted. The vehicle must be of a high standard.

25 Right of Appeal

Any person aggrieved by the refusal of the Council to grant a Private Hire Vehicle Licence or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

APPENDIX 3 (final version, post consultation)

STRETCH LIMOUSINES USED AS PRIVATE HIRE VEHICLES

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory-built vehicle. For the purpose of these conditions the vehicle is classed as a 'Special Events Vehicle'. They apply in addition to the Authority's standard conditions for Private Hire Vehicles.

Guidance Notes

1. A 'stretch limousine' is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. For the purpose of these conditions, it will be restricted to carrying up to, but not exceeding, 8 passengers.
2. An 'American stretch limousine' is a stretch limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
3. The licensing of any vehicle will be dependent upon the Council being satisfied that the vehicle is suitable in size, type and design for use as a Private Hire (Special Events) Vehicle.
4. In making a judgement of a vehicle's suitability the Council will consider its age, mechanical condition, mileage, appearance, bodywork condition and safety features. When presented for licensing the first time the vehicle must have either European Whole Vehicle type approval or UK Low Volume type approval, or Single Vehicle Approval.
5. The Council will at its discretion consider licensing 'American Stretch Limousines' provided that conversion works have been carried out under the Ford Qualified Vehicle Modifier (QVM) or the Cadillac Master Coachbuilder (CMC) programmes.
6. It will be the vehicle proprietor's responsibility to obtain all necessary documentation to support the provenance of the vehicle to the satisfaction of the Council. All relevant approval certificates, including the American certification must be provided to the Council. It should be noted that a Minister's Approval (MAC) Certificate is not on its own acceptable.
7. The maximum length of the 'Stretch' shall not exceed 120 inches/3048mm.
8. The Council may at its absolute discretion consider licensing vehicles that are left-hand drive (i.e. the steering wheel being on the near side), have some side-facing seats, and have tinted glass.

Conditions

1. No external fitting will be permitted other than an aerial to receive radio or other transmissions.
2. Alcohol may not be sold on a moving vehicle. Any alcohol sold as part of the hire agreement can only be sold under an appropriate premises licence. No person, under the age of 18 years, being conveyed in a stretch limousine shall be allowed to consume alcohol.

APPENDIX 3 (final version, post consultation)

3. A proprietor shall ensure that the vehicle is, and remains at all times throughout the period of licensing in such a condition so as to comply with all current standard conditions made by Forest Heath District Council in relation to Private Hire Vehicle licences. In addition vehicles must comply fully with all relevant statutory requirements and be operated in accordance with the conditions made by Forest Heath District Council in relation to Private Hire Vehicle Operators licences.
4. All limousines shall be subject to mechanical test and inspection at intervals no greater than 26 weeks during the currency of the licence. Such test and inspection is in addition to Ministry of Transport testing (MOT) and must be at a testing station approved by the Council to carry out such tests and inspections. It should be noted that such tests and inspections may have to be carried out at premises operated by the Vehicle and Operator Services Agency (VOSA).

APPENDIX 3 (final version, post consultation)

HACKNEY CARRIAGE AND PRIVATE HIRE DISCIPLINARY CODE

1. The Local Government (Miscellaneous Provisions) Act 1976 provides that where the statutory provisions relating to Hackney Carriage and Private Hire are breached or the conditions attached by the Council to any licence granted by it are contravened then the Council may suspend, revoke or refuse to renew such licence.
2. The Council has adopted a disciplinary code, which sets out the principles and procedures by which such contraventions will be dealt with by the Council. Any matter considered under this policy must also be dealt with in accordance with the Council's Corporate Enforcement Policy.
3. The purpose of the scheme is to give licensees clear guidance about the consequence of non-compliance with the Council's licensing requirements. Licensees who fail to comply with statutory provisions, the Council's bylaws or any other of the Council's licensing requirements will have appropriate action taken against them. Depending on the nature of the contravention such action may take the form of:
 - a) A verbal warning
 - b) Written warning
 - c) Awarding of penalty points
 - e) A simple caution
 - f) Suspension or revocation of licence
 - g) Prosecution
4. The Penalty Points System relating to the code defines breaches to the conditions attached to the licence, (driver, vehicle or operators) together with penalty points which may be awarded in respect of any breach of those conditions.
5. Where appropriate the Council's Licensing Officer has discretion to give a verbal warning for a first offence in any category. Any subsequent offences will be subject to penalty points in accordance with the scheme.
6. Where it is suspected that a licensee has breached statutory provisions, the Council's Bylaws, has contravened any of the Council's Standard Conditions or has been convicted of a criminal offence, whether it be for driving or motoring, or something totally unconnected with driving or motoring the Council will:
 - a) Carry out appropriate investigations;
 - b) Invite the licensee to respond to the allegation;
 - c) Inform the licensee of the outcome of the investigation.
7. Where penalty points are awarded by an authorised Officer of the Council the licensee will be given 14 days in which to appeal in writing to the Council's Head of Planning and Regulatory Services. If no appeal is lodged within that period, penalty points in accordance with the notice will be recorded against the licensee and endorsed on his/her record.
8. Penalty Points will be removed from the licensee's record three years after the date on which they were recorded.

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9. Where a licensee incurs 12 penalty points or more in any three year period the matter will be reported to the Licensing Committee. This report will recommend that the licence be suspended, the length of suspension being a **minimum of** one day for each point incurred. Once a period of suspension has been served, all penalty points relating to the period of suspension **will be set back to 0 but can be considered in future disciplinary hearings if deemed relevant.**
10. In circumstances where the Council's authorised Officer having given due consideration to the facts of the case is of the opinion that the imposition of penalty points may not be appropriate, a licensee may be required to appear at a meeting of the Licensing Committee. Such instances would include:
 - a) Breaches of insurance conditions. (licensed private hire vehicles applying for hire);
 - b) A conviction for reckless driving or driving without due care and attention;
 - c) Failure to disclose a conviction (non-vehicle related).
11. Appearance before the Licensing Committee could result in suspension, revocation or refusal to renew a licence. The Licensing **Committee may consider the driver to complete the Level 2 Certificate in Taxi Driving if appropriate.**
12. Any person whose licence is suspended, revoked or not renewed in this way may appeal to the Magistrates Court against the Council's decision. Appeals must be lodged with the Magistrates Court within 21 days of notification of that decision.
13. A driving conviction will incur the same number of penalty points as are endorsed on the DVLA licence.
14. **It should be noted that a vehicle licence will be suspended immediately it becomes apparent that a vehicle may not be properly insured.**

INTERPRETATION

15. The penalty point scheme is self-explanatory but the following situations may require further explanation:
 - a) Where licensee is an owner/driver, are both licences suspended when a total of 12 penalty points have accrued, some against the driver's licence and others against the vehicle?

No. The scheme states that, where a licensee incurs **more than** 12 penalty points in period of three years, the licence will be suspended. Penalty points will accrue against either the vehicle or the driver licence and any suspension will only apply when 12 points have accrued against one or the other.
 - b) What is the position where a licensee owns multiple vehicles?

Following the same logic, points will accrue against particular vehicle licences and only those licences where the 12 point ceiling is exceeded will be suspended. This may mean that a proprietor owning several vehicles could incur a substantial number of penalty points without ever having a vehicle

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licence suspended. However, if a profile emerges that a proprietor has penalty points against all or most of the vehicles in his fleet, the Council could consider whether he/she is a 'fit and proper person' to be a licensee.

- c) What happens when a vehicle is changed?

The licence number remains constant when the vehicle is changed. Therefore, once penalty points are endorsed on a vehicle licence they will remain valid, even if the vehicle is changed in the meantime.

- d) What happens when a vehicle licence is transferred?

In this scenario any penalty points recorded on a vehicle licence would become null and void. It would not be fair or reasonable to transfer the penalty points incurred by one licensee to another.

GROUP 1

PENALTY POINTS SYSTEM RELATING TO HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS

BASIS OF OFFENCE	POINTS AWARDED
Any action which invalidates the insurance cover for the vehicle	8 Penalty Points
Carrying more passengers than the vehicle is licensed for	8 Penalty Points
Failure to wear a driver's badge	3 Penalty Points
Failure to disclose a driving conviction within 7 days	4 Penalty Points
Failure to notify change of details, e.g. address within 7 days	2 Penalty Points
Smoking or evidence of smoking in a vehicle	6 Penalty Points
Failure to produce documents when requested	6 Penalty Points
Failure to behave in a civil and orderly manner (including rude or aggressive behaviour towards the public or council staff)	6 Penalty Points
Breach of any condition not specified above	2/12 Penalty Points

GROUP 2

PENALTY POINTS SYSTEM RELATING TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLES

BASIS OF OFFENCE	POINTS AWARDED	PERSON RESPONSIBLE
Failure to display identification plates correctly	6 Penalty Points	Driver/Proprietor
Failure to display fare tariff correctly (hackney carriage only)	4 Penalty Points	Driver/Proprietor
Failure to display interior label correctly	4 Penalty Points	Driver/Proprietor

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Incorrect meter tariffs	5 Penalty Points	Proprietor
Failure to report accident/damage to the vehicle within 72 hours	3 Penalty Points	Proprietor
Failure to carry an in date fire extinguisher or carry in an unsafe/dangerous condition	3 Penalty Points	Driver/Proprietor
Failure to carry vehicle/driver conditions	2 Penalty Points	Driver/Proprietor
Failure to maintain a clean and tidy vehicle	4 Penalty Points	Driver/Proprietor
Failure to notify change of address within 7 days	3 Penalty Points	Proprietor
Breach of any condition not specified above	3/6 Penalty Points	Driver/Proprietor

GROUP 3

PENALTY POINTS SYSTEM RELATING TO PRIVATE HIRE VEHICLE OPERATORS

BASIS OF OFFENCE	POINTS AWARDED
Failure to produce or allow inspection of any records	6 Penalty Points
Failure to keep records of bookings in the prescribed form	5 Penalty Points
Failure to keep vehicle records	4 Penalty Points
Failure to keep driver records	4 Penalty Points
Failure to notify any conviction/formal caution	4 Penalty Points
Failure to notify a change of operation address within 7 days	3 Penalty Points
Breach of any condition not specified above	2/6 Penalty Points

GROUP 4

VARIABLE PENALTY POINTS OR REFERRAL TO LEVEL 2 TRAINING

In circumstances where the contravention is such that it does not fit within groups 1/3 then the appropriate officer, having given full consideration to the facts of the case will, decide on the number of the penalty points to be awarded, or if the driver should be referred for further training in the format of a Level 2 qualification. This would include instances where a complaint was found to be justified relating to:

- a) Over charging.
- b) Refusing to carry a guide or assistance dog or disabled passenger.
- c) Not moving forward on rank as soon as space is available.
- d) Unnecessarily idling in a rank and/or on the highway.
- d) A failure to behave in a civil, orderly, seemly and courteous manner.
- e) Failure to assist any passenger.
- f) Failure to complete any mandatory training as directed by the Council.

Drivers can appeal decisions to be referred for the level 2 qualification in writing to the Head of Department. This will result in a hearing in front of the Licensing Sub-Committee for consideration. Persistent breaches could result in the revocation of the licence and or prosecution under relevant legislation.

APPENDIX 3 (final version, post consultation)

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Licensing and Regulatory Committee



Forest Heath
District Council

Title of Report:	Proposals to Revise the Air Quality Management Area Designation in Newmarket	
Report No:	LIC/FH/17/004	
Report to and date/s:	Licensing and Regulatory Committee	10 April 2017
Portfolio holder:	Lance Stanbury Portfolio Holder for for Planning and Regulatory Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk	
Lead officer:	Peter Gudde Service Manager Environmental Health Tel: 01284 757042 Email: peter.gudde@westsuffolk.gov.uk	
Purpose of report:	To report the findings of the external consultation on a review of the Newmarket Air Quality Management Area and to make recommendations.	
Recommendation:	It is recommended, based on the review and findings of the consultation, that the Committee approves the amendments to the Air Quality Management Area designation in Newmarket, which will implement the revised order and map as shown in Appendix B (of Report No: LIC/FH/17/004).	
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	<ul style="list-style-type: none"> Section 2 of the report presents the findings of the public consultation 	

<p>Alternative option(s):</p>	<p>The alternative options were set out in Report Ref. LIC/FH/16/005, Local Air Quality Strategy Progress Report 2015-2016, 10 October 2016:</p> <ul style="list-style-type: none"> • Do Nothing – We could leave the High Street within the Air Quality Management Area, however, officers believe that this would unfairly label the High Street as having unsafe levels of pollution, when the evidence demonstrates this is not the case. Removing the designation from the High Street should improve the reputation of the town. • Revoke the AQMA – We could completely revoke the Air Quality Management Area, removing the designation from Old Station Road as well as from the High Street, however, officers believe that more data is needed to ensure that levels of pollutants on Old Station Road are acceptable. It should be noted that Old Station Road is more sensitive in terms of the regulations as there are ground floor residential dwellings.
<p>Implications:</p>	
<p>Are there any financial implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p>Are there any staffing implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p>Are there any ICT implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p>Are there any legal and/or policy implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • The proposed changes to the Air Quality Management Area are based on the body of evidence that officers have gathered as part of our statutory responsibilities under the Air Quality Management Regulations. Work to monitor and take action to improve air quality will continue using both our statutory and non-statutory powers.
<p>Are there any equality implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Statutory Responsibilities	Medium	Delivering the statutory responsibilities will help reduce the inherent level of risk.	Low
Reputational	Medium	The Council's work will help achieve a credible pathway to improving air quality.	Low
Financial	Low	Cost-benefit of key work will continue to be reviewed and adjusted.	Low
Community	Medium	Management of air quality in Newmarket through the Council engaging with local stakeholders to deliver an effective Air Quality Management Action Plan	Low
Ward(s) affected:		All Saints, St. Mary's and Severals Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		LIC/FH/16/005, Local Air Quality Strategy Progress Report 2015-2016, 10 October 2016	
Documents attached:		Appendix A – Existing Order and map Appendix B – Recommended Order variation and map	

1. Key issues and reasons for recommendation(s)

- 1.1 This report sets out the findings of a consultation following this Committee's decision taken in October 2016 to consult on the revision of the Air Quality Management Area (AQMA) designation in Newmarket (LIC/FH/16/005, Local Air Quality Strategy Progress Report 2015-2016, 10 October 2016 refers). The proposed changes to the AQMA comprised of the removal of the designation from the High Street and undertaking more extensive monitoring along Old Station Road. Small areas designated along Bury Road and Fordham Road will also be removed from the designation as there are no relevant receptors (residential dwellings) on the relevant sections of these roads. LIC/FH/16/005, Local Air Quality Strategy Progress Report 2015-2016, 10 October 2016 set out the context and reasons why your officers recommended that changes to the existing AQMA designation (See Appendix A) and the adoption of the revised designation (Appendix B).
- 1.2 This Committee approved a recommendation to undertake external consultation on the proposal to amend the Air Quality Management Area designation in Newmarket.

2. Results of External Consultation

- 2.1 Based on the statutory guidance under the Regulations and following discussion with key stakeholders, consultation was undertaken with both statutory and non-statutory consultees including Newmarket Town Council and all relevant District and County Councillors together with local business representatives. The consultation ran from the 12th December 2016 to the 3rd February 2017.
- 2.2 All responses received during the consultation are summarised below:
- Department for the Environment, Food and Rural Affairs (Defra) as the central government department responsible for Air Quality Regulation – Defra did not respond directly to the consultation. However, they provided the following comments in relation to the proposals to amend the AQMA when responding to our 2016 Annual Status Report: *"They [FHDC] plan to amend their AQMA to exclude the High Street as it has consistently shown levels below the annual mean objective at relevant receptors. This is supported, as the concentrations have been shown to be well within the objective concentration for at least the last 5 years."*
 - East Cambridgeshire District Council– *"agree with the proposal to reduce the size of the AQMA in Newmarket town centre."*
 - Suffolk County Council Highways – Did not explicitly state that they were in agreement with the proposals. However, they did thank officers for the good news and confirmed that they *"will continue to bear the history of this site in mind for the future, specifically in our team if we are made aware of any significant developments that may increase traffic flows."*
 - Newmarket Business Improvement District (BID) – *"Generally, the BID's view is that we are happy with anything that can improve local air quality. Also happy to support going forward."*

- Newmarket Town Council – Comments were received from the Town Clerk and from Town Councillor Rachel Hood. The comments expressed a “*strong objection to the ceasing of the air quality monitoring in the town.*” The comments expanded to state that “*It is obvious that Newmarket’s air quality on the High Street and surrounding locations is unacceptable,*” with specific comment on the areas surrounding the taxi ranks.
- South Cambridgeshire District Council – Comments were received after the consultation deadline, but have been included here for completeness. The comments were supportive, noting that the reduction in size rather than revoking provides confidence that it’s being well managed. It was also noted that the remaining AQMA could be a valuable regulatory tool in relation to any new developments which may impact upon it.

2.3 With the exception of the response from Newmarket Town Council, the responses to the consultation were in favour of the proposal. Comments from Defra and our neighbouring district councils endorsed the technical interpretation your officers have made in this case.

2.4 With regards to the comments from Newmarket Town Council, the objection related to concern that the District Council would cease air quality monitoring in the Town. Your officers gave assurances that there are no plans to stop monitoring. Your officers will continue to monitor air quality, as long as it remains necessary and meaningful, to ensure that the measured improvements in air quality are maintained and to identify any locations where future action may be required.

Officers will continue to work to further improve the air quality in Newmarket and where necessary respond to complaints regarding poor air quality in the same manner that we do throughout West Suffolk.

Officers have successfully engaged with Newmarket Town Council to clarify the District Council’s commitment to continue monitoring and to explore areas where the two organisations could work more closely together and with other stakeholders including the BID, for example with awareness raising and other actions. This work has already commenced.

2.5 Based on the outcome of the consultation, it is recommended that the Committee approves the amendments to the Air Quality Management Area designation in Newmarket as shown on the plans in Appendix B.

2.6 Should this Committee approve the recommendation, officers will continue to take the following actions to ensure the air quality in Newmarket continues to be protected:

- Continue monitoring Air Quality (levels of NO₂) both within the remaining Air Quality Management Area on Old Station Road, and along the High Street where the designation will be removed.
- Continue to respond to any complaints or concerns regarding air pollution in Newmarket, including concerns regarding taxis idling in the ranks on the High Street.
- Engage with Newmarket Town Council and Newmarket Business

Improvement District to identify and take forward any areas for shared working to improve air quality.

- Continue to comment on planning applications and request mitigation on air quality matters affecting the town, where appropriate.
- Continue to lobby, support and where necessary, invest in the installation of electric vehicle charge points both in new major residential and commercial developments and as part of ongoing improvements to existing transport infrastructure.

2.7 Following approval for the amendments is given by this Committee, the following steps will be taken:

- Amend the Air Quality Management Area Order;
- inform Defra and other statutory consultees as required by the Local Air Quality Management, Policy Guidance, April 2016:
- Take forward work to refresh the Air Quality Management Area Plan with active participation sought from key stakeholders.

Environment Act 1995 Part IV Section 83(1)

Forest Heath District Council

AQMA Order

Forest Heath District Council, in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order.

This Order may be cited as the Forest Heath District Council Air Quality Management Area, and shall come into effect on 06 April 2009.

The area shown on the attached map in red is to be designated as an air quality management area. The designated area incorporates the High Street (from the White Hart Hotel), in Newmarket, to the Clock Tower gyratory and Old Station Road up to the junction with Rous Road. The map may be viewed at the Council Offices.

This Area is designated in relation to a breach of the nitrogen dioxide (annual mean objective) as specified in the Air Quality Regulations (England and Wales) 2000.

This order shall remain in force until it is varied or revoked by a subsequent order.



David Burnip
Chief Executive



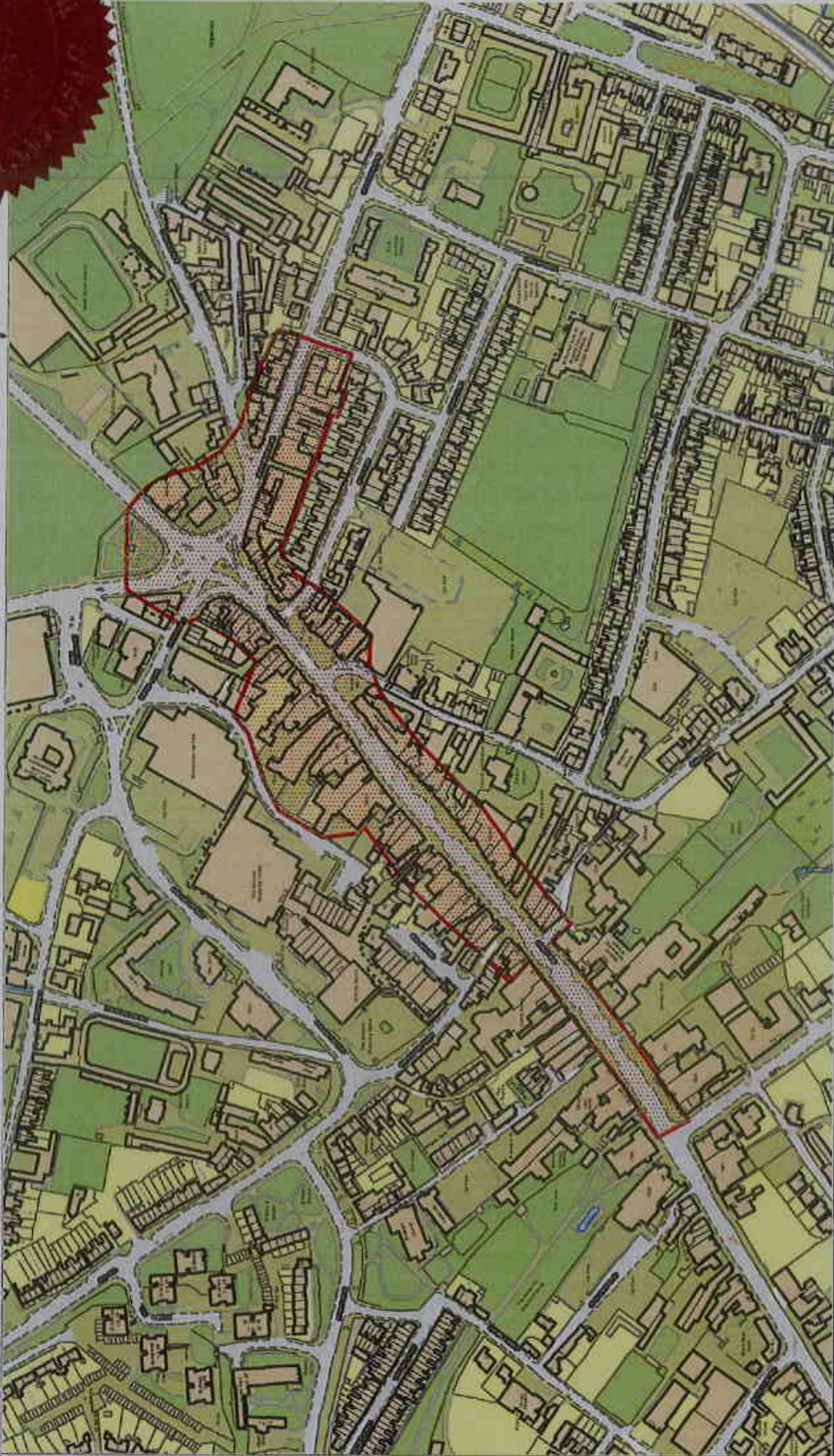
13102

Adrian
Chief Executive



13103

High Street and Old Station Road, Newmarket - AQMA boundary



	Date 16/2/2003	 <p>Forest Heath District Council College Heath Road, Mildenhall, Suffolk, IP28 7EY Tel: 01888 712000 www.forest-health.gov.uk</p> <p>© Crown copyright. All rights reserved. 100023262, 2003</p>
	Scale 1:2500	
	Centre = 584437 E 263414 N	

Environment Act 1995 Part IV Section 83(1)

Forest Heath District Council

Newmarket AQMA Order (2017 Variation)

Forest Heath District Council, in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order.

This Order may be cited as the Forest Heath District Council Newmarket Air Quality Management Area (2017 Variation), and shall come into effect on XX April 2017. This Order varies the Forest Heath District Council Air Quality Management Area, which came into force on the 6 April 2009 by reducing the designated area.

The area shown on the attached map in red is to be designated as an air quality management area. The designated area incorporates Old Station Road from the Clock Tower roundabout to the junction with Rous Road, Newmarket, Suffolk. The map may be viewed at the Council Offices.

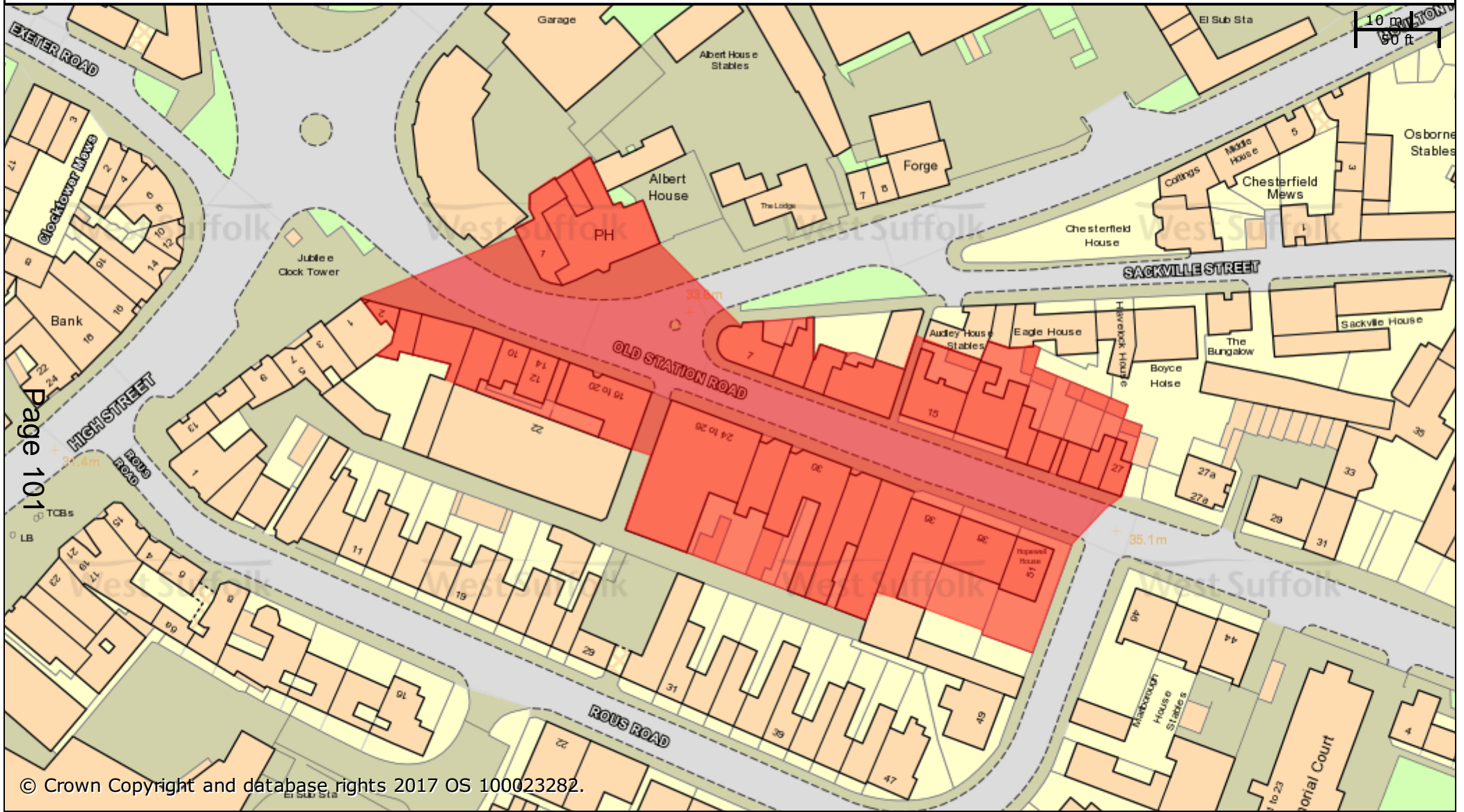
This Area is designated in relation to a likely breach of the nitrogen dioxide (annual mean objective) as specified in the Air Quality Regulations (England and Wales) 2000.

This order shall remain in force until it is varied or revoked by a subsequent order.

The Common Seal of Forest Heath District Council was hereto affixed on XX April 2017 and signed in the presence of [Name] on behalf of said Council.

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Newmarket Air Quality Management Area (2017 Variation)



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APPENDIX B (map)

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01284 763233

Forest Heath & St Edmundsbury councils
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working together
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Scale: 1:1000

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