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Appendix B



# **West Suffolk Council Hackney Carriage and Private Hire Conditions Policy Handbook**

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## **Foreword**

You play an important role in the success of our local economy. More than 10 million visits are made to West Suffolk every year with visitors spending over £500 million. Many will use taxis or private hire vehicles during their stay and their experience of your service will form part of their lasting impression of the area. It could make the difference as to whether they decide to come back, and whether they recommend West Suffolk to their friends.

West Suffolk is a rural area and many of our residents will rely on taxis or private hire vehicles simply to get out to the shops, doctors and hospital appointments, or to visit friends and family.

We also have a rich mix of evening entertainment with people enjoying a night out at restaurants, the cinema, theatre, the Apex, or the summer evening races in Newmarket to mention a few. You play a vital role in ensuring that they are able to get home safely after an evening out. In doing this you ensure that this huge part of our successful economy is able to continue to thrive.

So, it is important that, as drivers and as ambassadors for our area, your service and your vehicles are of the highest quality. The standards outlined in this handbook are about ensuring the safety of passengers as they are taken from A to B, that both the vehicle and the driver are fit to be on the road, and about protecting the integrity of your trade.

We hope that you will see this handbook as a positive step to assure a professional service that you, your council and your customers will continue to value so dearly.

## Table of contents

### Contents

Foreword .....	2
Table of contents .....	3
Appendices .....	<b>Error! Bookmark not defined.</b>
1. Introduction .....	4
Scope .....	4
Policy Statement .....	5
Background and definitions.....	6
2. Hackney carriage and private hire drivers .....	8
The Fit and Proper Person Test.....	8
3. Private Hire and Hackney Carriage Vehicle Licences.....	14
Grant and Renewal of Vehicle Licences.....	14
Insurance.....	14
Vehicle Specifications.....	15
Licensed Vehicle Conditions .....	15
Identification of Vehicles as a Private Hire Vehicle or Hackney Carriage.....	15
Tyres .....	15
Accidents .....	16
Meters .....	16
4. Additional Provisions for Private Hire Vehicles Only.....	17
Advertisements .....	17
Taxi Ranks .....	17
Executive Hire (discreet plates).....	17
Discrete Plates .....	<b>Error! Bookmark not defined.</b>
5. Private Hire Vehicle Operators .....	18
Requirement for a Private Hire Vehicle Operator Licence .....	19
Fitness and propriety .....	19
Insurance.....	19
Conditions.....	20
Operator responsibility.....	20
6. Driver, Vehicle and Operator Licence Conditions and Application Process.....	20
Enforcement Penalty Points .....	20
Suspension or Revocation of a Licence .....	21
Refusal to Renew a Licence.....	21
Prosecution of Licence Holders .....	21
Appeals.....	21
7. Appendices.....	23
APPENDIX A – Hackney Carriage and Private Hire Vehicle Licensing Criminal Convictions’ Policy .....	23
APPENDIX B - Licensed Driver Application Process .....	37
APPENDIX C - Vehicle Application Process and Conditions .....	49
Vehicle Licence Conditions - Hackney Carriage Vehicles .....	52
Vehicle Licence Conditions - Private hire vehicle licences .....	64
Stretch limousines used as private hire vehicles .....	76
APPENDIX D - Private Hire Vehicle Operator’s Licence .....	78
APPENDIX E - Hackney carriage and private hire disciplinary code .....	84

# DRAFT

## 1. Introduction

West Suffolk Council is responsible for the licensing and enforcement of the following Private Hire and Hackney Carriage Vehicle trades within its district:

- Hackney carriage and private hire vehicle drivers
- Hackney carriage vehicles
- Private hire vehicles
- Private hire operators.

This policy and the appendices detail how the licensing of drivers, vehicles and operators will be undertaken by the Council. The policy has immediate effect and will be applied to all existing licences and new applications

The council reserves the right to review and if necessary reverse any decision if information comes to light that identifies the initial decision as being incorrect.

In developing this policy the Council has had regard to the following:

- Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Public Health Act 1875
- Guidance on the Rehabilitation of Offenders Act 1974 – dated March 2014
- Disclosure Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Equalities Act 2010
- Regulators Code 2014
- Road Traffic Acts
- Crime and Disorder Act 1998
- Health Act 2006
- Data Protection Act 1998
- The Department of Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" (Currently under review)
- Jay Report into Child Sexual Exploitation (CSE) in Rotherham
- The Serious Case Review into Child Sexual Exploitation in Oxfordshire
- West Suffolk Council Enforcement Policy
- Other relevant legislation

In this document the term Council means West Suffolk council, its Scheme of Delegation and decision making framework as set out in the Council's constitution.

### Scope

1.1 This policy sets out the process for applying for a Private Hire or Hackney Carriage driver, operator and vehicle licence; the requirements to hold a licence; the conditions to be adhered to, and the grounds for and process by which the Council may take action against a licence.

# DRAFT

## Policy Statement

1.2 The Council recognises the important role that Private Hire and Hackney Carriage Vehicles play in enabling people to travel around the districts and while doing so act as ambassadors for their Council. In promoting these licensing aims and objectives the Council will expect licence holders to continuously adhere to the high standards outlined within this policy. This will help to portray a positive image of both the Council and the licensed trade.

The principle purpose of Private Hire and Hackney Carriage Vehicle Licensing is to protect the public and promote public safety. West Suffolk Council will adopt and carry out the Private Hire and Hackney Carriage licensing functions with a view to promoting the following:

- The protection of the public
- Safeguarding children and the vulnerable
- The prevention of crime and disorder
- The safety and health of the public and drivers
- Vehicle safety and suitability

The protection of public, safeguarding children and the vulnerable, and the prevention of crime and disorder by;

- Raising awareness amongst licensees of issues of safeguarding children and the vulnerable
- Operating rules, conditions and disciplinary processes
- Vetting, training and monitoring of licences
- Commitment to work with the police, neighbouring authorities and other relevant agencies
- An expectation that Licensees will treat all customers, members of the public and authorised licensing officers with respect and courtesy at all times

The safety and health of the public and licensees by;

- Consideration of history of convictions, cautions, formal warnings, arrests, complaints and information received from partner agencies and other local authorities
- Knowledge of the relevant Council topography
- Health and fitness of licensees
- Relevant safeguarding training
- A relevant professional driving qualification

Vehicle safety and suitability by:

- Standards of vehicles
- Regular testing of vehicles including roadside checks
- Location of ranks
- Provision of wheelchair accessible vehicles

# DRAFT

## Background and definitions

1.3 The Local Government (Miscellaneous Provisions) Act 1976, as amended and the Town Police Clauses Act 1847 is the legislative framework for the Hackney Carriage and Private Hire licences.

**This policy applies to Hackney Carriages, Private Hire Vehicles, Private Hire operators and Hackney Carriage and Private Hire Drivers.**

Term	Definition
the Council	West Suffolk Council
the district	The area of the council in which you are licensed with
proprietor	The person or persons named in the licence as the proprietor of a hackney carriage or private hire vehicle
hackney carriage	A vehicle constructed or adapted to transport members of the public that has no more than 8 seats for passengers, which is licensed to ply for hire. A Hackney Carriage may stand at designated taxi ranks and/or be hailed in the street by members of the public. A Hackney Carriage may also undertake pre booked journeys
Vehicle	The licensed vehicle
the licensee	The individual(s) who is/are named on a licence granted by the council and who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.
private hire vehicle	These are licenced to carry no more than 8 passengers and must be booked in advance through a licensed Private Hire Operator. A private Hire Vehicle cannot ply for hire or use any designated taxi ranks
operator	These are required to take and record bookings for Private Hire Vehicles. Bookings must be recorded and records be made available for inspection within the specified timescales
driver's licence	If the term driver's licence is used, for the purposes of this handbook, it will generally mean a licence granted by the council for the driving of a council licensed vehicle. (unless stated otherwise as a DVLA licence)
plate or internal plate	The licence plates issued by the council to identify a vehicle which has been licensed by it in accordance with the provisions of

# DRAFT

	Section 48 of the act
Licensing and Regulatory Sub-Committee'	Members of the Licensing and Regulatory Committee conducting quasi-judicial hearings to determine applications or review of a licence

## 2. Hackney carriage and private hire drivers

2.1. This licence allows a person to drive a licensed vehicle, whether it is a Hackney Carriage or a Private Hire Vehicle. The Council issues a joint Hackney Carriage and Private Hire driver licence (HCPHD). Licences shall be issued for a maximum period of 3 years but can be granted for a lesser period if deemed appropriate. The only exceptions to this are those applicants whose right to remain or work in the UK is less than the 3 year period. In such cases the licence shall only be issued for the same period as the leave to remain or right to work allows.

2.2. All applicants must satisfy the Council that they are a fit and proper person to hold a HCPHD. Once the licence has been granted, they must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licence holder will be monitored and assessed throughout the licence period. Where licence holders have broken any licence condition, or any complaints and/or criminal behaviour are brought to the attention of the Council the licence holder may be subject to enforcement action. This may result in the revocation of a licence.

2.3. All applicants for a HCPHD licence must act with honesty and integrity and ensure all information that is provided is correct and up to date. Throughout the application process the applicant must provide and disclose all necessary information in a timely manner. This includes information relating to previous convictions, warnings, cautions, arrests, or any current or pending criminal investigations being undertaken, as well as any civil actions, injunctions or other factors which may bring into question the suitability of the applicant. Failure to do so will have a negative impact on the assessment of the application and may result in the licence being refused.

2.4. The process for applying for a HCPHD licence is provided in Appendix B. It is essential that all applicants understand and are familiar with this process prior to application and renewal to ensure that information requested is provided within the specified timescales. Failure to do so may result in the application being refused.

### **The Fit and Proper Person Test**

2.5. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that all applicants and licence holders are, and remain, fit and proper to hold a licence. There is no legal definition of what constitutes a fit and proper person for the purposes of Private Hire and Hackney Carriage Vehicle licensing. However, the Council must be satisfied, based on the information provided, that the applicant or licence holder is suitable to hold a licence and the public will be safe with the licence holder.

2.6. In determining whether a person is fit and proper to hold a licence, the Council is effectively asking the following question:

**“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”**



# DRAFT

2.7. If the answer to the question is an unqualified “yes”, then the applicant or licence holder can be considered to be fit and proper. If there are any doubts in the minds of the Council, then further consideration will be given as to whether the applicant or licence holder should hold a licence.

2.8. If there is any doubt as to the suitability of the applicant or licence holder the Council will undertake any checks and apply any process necessary to ensure that licences are not issued or held by unsuitable persons. It is important to note that applications and any issues with current licence holders are dealt with on a case by case basis and as such it is not possible to detail an exhaustive list of all checks or requirements that may be asked of the applicant or licence holder in order to satisfy these criteria but any decision will be transparent and relayed to the applicant/licence holder.

2.9. The Council will consider a number of factors when determining if an individual is a fit and proper person;

- Criminality
- Driving history
- Driving ability
- Right to work
- Medical history
- Standard of verbal and written English
- Any previous licensing history
- Anything else that may bring into question the applicants suitability to hold a licence.

A more detailed, but non- exhaustive list, is provided in Appendix A.

2.10. In addition the Council will consider any further information provided by other agencies including the Police, Neighbouring Authorities, Child and Adult Safeguarding Boards and County Councils that may have a bearing on the fit and proper standard of the individual.

2.11. The Council may at any time throughout the duration of the licence access the DVLA records of the applicants to ensure their driving meets the requirements of this policy. Licence conditions in Appendix B require all licensed drivers to notify the licensing authority within 7 working days of any DVLA penalty points issued or any other driving offence. Failure to do so will result in the licenced driver receiving Council penalty points, under the Penalty Point Scheme (See Appendix E).

2.12. In submitting an application to the Council for a drivers licence, the applicant will be required to sign certain disclosures relating to the application form and their information. Details contained within the application may be shared with other agencies including but not limited to the Police, Immigration and HM Customs and Excise. In addition declarations must be signed that allow for the applicants Driver and Vehicle Licensing Agency ( DVLA) record to be reviewed throughout the duration of the licence, alongside their Disclosure and Barring Service (DBS) record through the online update service. The Council retains and shares information in accordance with Information Sharing Agreements and the Data Protection Act 1998.

# DRAFT

2.13. An applicant will not be considered to be a fit and proper person to hold a licence if there is any evidence that the applicant has been dishonest in making the application or it can be evidenced that an applicant or an existing licence holder has misled, or attempted to mislead, the Council (officers or elected members of the licensing committee) during any part of the application process or with the administration of the licence throughout its duration.

## **Disclosure and Barring Service (DBS)**

2.14. A criminal record check for any potential driver is essential and is an important safety measure in ensuring that an applicant is a fit and proper person and to protect public safety. All applicants will be required to undergo an Enhanced Disclosure through the Disclosure and Barring Service. This will list information on all live and spent convictions, police cautions and other relevant information. Details of the DBS application process can be found within Appendix B as part of the application process.

2.15. Private Hire and Hackney Carriage Drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. As such all applicants will be asked to disclose on their application form any conviction or caution regardless of the date of the conviction or caution. The DBS certificate will disclose convictions and cautions and where these have not been disclosed on the application form by the applicant the integrity and honesty of the applicant will be questioned. All licence holders must notify the Council of any convictions or cautions received during their licence period as stated in the licence conditions. Failure to do so may result in suspension or revocation of the licence.

2.16. All applicants (both new and renewals) must declare on the application form all convictions, cautions, informal warnings, fixed penalty notices, driving offences, civil actions, county court judgements, arrests and any on-going criminal, civil or traffic related investigation. It is essential that ALL information is declared. If applicants are unsure about what the above means please contact the Council. Failure to inform the Council of any information may result in the application being refused or a licence being suspended or revoked.

2.17. Applicants are responsible for the costs of obtaining a DBS certificate. It is a licence condition that applicants sign up to the DBS online update service and on the grant of a licence, the licence holder must maintain the subscription. The subscription costs are the responsibility of the applicant / licence holder and permission must be given to the Council to undertake checks of the DBS status should the Council consider it necessary and appropriate to do so. The update service will be used to monitor the criminal record of the licence holder and can also be used at the time of licence renewal. If no changes have been recorded on the DBS certificate a full DBS check will not be required.

2.18. In order to sign up to the online service the applicant, on receipt of their completed Enhanced DBS Certificate, must register for the service within 19 days of the DBS certificate issue date. Upon licence renewal the applicant will need to provide the Council with their original certificate in order for the update service to be checked.

# DRAFT

2.19. DBS Certificates will only be accepted when the application has been made through West Suffolk Council. However, DBS certificates from other local authorities will be accepted providing the applicant has signed up to the Update Service and has been checked to an enhanced level.

2.20. A Licence will not be issued without a current enhanced DBS certificate.

## **Applicants with Residency Periods Outside of the UK**

2.21. Where an applicant has spent six months or more continuously outside the UK evidence of a criminal record check from the Country/Countries visited covering the duration overseas will be required. For stays longer than 6 months outside of the European Union a certificate of good conduct is required to be authenticated by the relevant embassy.

## **Right to Work in the UK**

2.22. All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals.

2.23. The list below states what evidence needs to be provided to prove the applicant has a right to work in the UK, this list is not exhaustive and other documents may be accepted (please follow this link; <https://www.gov.uk/government/organisations/uk-visas-and-immigration>), however this must be discussed with the Council in advance of the application being submitted. Any issues with the documentation provided may result in a delay in issuing the licence or renewal of an existing licence.

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland)
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment
- Full UK Birth/Adoption Certificate
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

## **Convictions, Cautions and Driving Offences**

2.24. Where convictions and cautions have been declared by the applicant or disclosed on the DBS Certificate the Council must ensure that it is satisfied that the applicant is a fit and proper person to hold a licence. The Council will refer to The Criminal Records Policy for guidance which can be found in Appendix A.

2.25. Where convictions, cautions and driving offences have been imposed on a licence holder the same Criminal Records Policy will be referred to in order to determine that the licensed driver remains a fit and proper person to hold the licence.

# DRAFT

## West Suffolk Tests

2.26. There are a number of requirements which must be satisfied before a new driver application can be considered.

2.27. All new applicants are required to pass the Councils theory assessment test and document check. The applicants driving licence and right to work in the UK will be checked at this time. The purpose of the test is to ensure that the applicant has sufficient knowledge in:

- The Highway Code
- Taxi legislation
- Maths
- Local geography and routes

2.28. All new drivers are also expected to take and pass a practical driving assessment provided by a Council approved provider equivalent to a Driving Standard Agency test for taxi and private hire drivers.

2.29. All new drivers are also required to attend and successfully complete (at their own cost) a Level 2 Certificate in the Introduction to the Role of Professional Taxi and Private Hire Driver provided by West Suffolk college (or equivalent) prior to submitting their applications. The course content includes the following:

- Health and Safety in the taxi and private hire work environment
- Road safety when driving passengers in a taxi or private hire vehicle
- Professional customer service in the taxi and private hire industry
- Taxi and private hire vehicle maintenance and safety inspections
- The regulatory framework of the taxi and private hire industry
- Taxi and private hire services for passengers who require assistance
- Routes and fares in the taxi and private hire vehicle industries
- Transporting of parcels, luggage and other items in the taxi and private hire industries
- Transporting of children and young persons by taxi or private hire vehicles (safeguarding)

2.30. By 1 January 2021 driver applying to renew their licence must undertake a refresher Safeguarding, CSE & Disability Awareness course prior to renewal of the licence. This is to ensure that applicants and licenced drivers are receiving the most up to date information at the time of the application.

2.31. Drivers of Wheelchair accessible vehicles must also hold a DVSA approved practical disability awareness course (DSA previously).

## Medical Fitness Assessments

2.32. It is essential the licensed drivers are in good health and meet the requirements of Group 2 Standards of Medical Fitness as stated by the DVLA. Licensed drivers

## DRAFT

are expected to carry passengers' luggage and shopping, will drive on the road for longer periods than most car drivers and may have to assist disabled passengers. The Council must therefore be satisfied that the applicant /licensed driver is fit enough to undertake these tasks. Any pre-existing medical condition must be disclosed and be under control to the satisfaction of a General Practitioner and the Council.

2.33. A group 2 medical will be required for all new applicants. A group 2 medical will be valid up to the applicant's 45<sup>th</sup> birthday. Thereafter, a further group 2 medical will be required every 5 years until the age of 65. The medical will then be required every year thereafter. The Council will not accept Medics on Wheels Group 2 Medicals after the age of 45.

2.34. All licence holders must advise the licensing authority within 7 working days if any pre-existing medical conditions have deteriorated or his / her health has changed in any way that may affect the licence holder's fitness to drive.

2.35. Where the licensing authority is in any doubt as to the medical fitness of the applicant, further medical examinations may be required to be undertaken. Any costs relating to these additional assessments shall be paid for by the applicant.

2.36. No medical fitness assessment form will be accepted where the person completing the form does not have access to the applicant's patient records.

### **Assistance Dogs**

2.37. All licensed drivers are under a legal duty to carry guide, hearing and any other assistance dogs in their vehicles without any additional charge to the passenger. A licensed driver may only refuse to do so where s/he has a medical exemption. A medical exemption may be granted by the licensing authority where the licensed driver has provided detailed medical evidence that shows a medical condition will be aggravated by exposure to dogs. If the medical exemption is granted then the licensed driver will be issued with an exemption certificate and a notice of exemption. The notice must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.

2.38. When hired to carry a guide dog, the owner should be asked where s/he would prefer their dog to be.

2.39. Most dogs are trained to lie in the front passenger foot well between the feet of their owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Licensed drivers must inform the owner accordingly. Assistance dogs are trained not to move and will not harm a licensed driver in any way.

2.40. If the front foot well is not large enough to accommodate the dog, the owner should be advised to travel in the rear of the vehicle with the dog in the foot well behind the front passenger seat. The seat should be pushed forward to make room for the dog.

## **3. Private Hire and Hackney Carriage Vehicle Licences**

3.1. The procedure for applying for a Private Hire Vehicle or Hackney Carriage Vehicle Licence is detailed in Appendix C. Only vehicles less than 5 years old will be considered for a new licence.

3.2. In order for an application to be considered the applicant must submit the following documentation to the Council:

- The fully completed vehicle licence application form
- Application Fee
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the Council at the time of application)
- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for Private Hire (Hire and Reward) or Hackney (Public Hire)
- If the vehicle is more than 12 months old a valid MOT no older than 28 days from an approved MOT testing station within the Council's district.
- Newly registered vehicles with less than 100 miles on the odometer will not require an MOT prior to licensing.

In addition to the above:

3.3. Incomplete application forms, incorrect fees or supporting documentation that does not conform will result in the application being rejected. Only when a complete application has been provided will the assessment process begin.

### **Grant and Renewal of Vehicle Licences**

3.4. All vehicles should be safe and must remain safe for passengers and therefore the Council expects vehicles to be in such a condition that the inspection will be passed.

3.5. Applicants shall submit to the Council the supplied medical form completed by their own General Practitioner or a doctor who has full access to the applicant's medical records at the time of their application. Where certain conditions are noted by the GP, additional medicals or an alternative frequency may be required.

### **Insurance**

3.6. All insurance documents for the vehicle to be licensed must be provided with all the other relevant information at the time of application. In order to satisfy the Council that appropriate insurance is in place for the vehicle, the following is required:

# DRAFT

- A valid Certificate of Insurance or Cover Note. This must confirm that insurance is in place for each driver of the vehicle and specify that it is covered for its use as a Hackney Carriage or Private Hire vehicle
- A Hackney Carriage vehicle requires insurance to cover public hire
- A Private Hire vehicle requires insurance to cover Private Hire and hire and reward
- A Cover Note will be accepted and the licence issued on the understanding that a certificate of insurance will be presented as soon as possible.

3.7. All insurance dates are noted on the Council system at the time of application and follow ups will be undertaken to ensure the vehicle is appropriately insured. Where a new insurance certificate has not been submitted to the Council for that vehicle it will be deemed to have no insurance and the licence suspended until such time as an appropriate insurance document is provided and penalty points will be issued to the licence holder.

## Vehicle Specifications

3.8. The Council has set down a number of specifications, in order to apply for a vehicle to be licensed as a Private Hire or Hackney Carriage Vehicle it must comply with the specifications at the time of application.

The specifications for Private Hire and Hackney Carriage Vehicles are detailed in Appendix C

## Licensed Vehicle Conditions

3.9. Conditions are imposed on all operator, driver and vehicle licences and the Council is empowered to impose any conditions that are considered reasonably necessary in the granting of a licence. The conditions will be attached to the licence upon issue and are detailed in Appendix C. All applicants will be expected to have read and understood these conditions, any breach in the conditions will result in penalty points being issued or the licence considered for review.

## Identification of Vehicles as a Private Hire Vehicle or Hackney Carriage

3.10. All vehicles must clearly indicate to the public that the vehicle is licensed. The public must be able to clearly distinguish the difference between a Private Hire and Hackney Carriage Vehicle. No signs, stickers or insignia shall be added/ attached to the vehicle unless in compliance with Council requirements. Permission will be required in writing. The Vehicle Licence conditions in Appendix C provide detail on the following:

- The position/location of the licence plates
- The position of permanent door signs
- Required wording for the door signs and roof lights
- Requirements to display certain notices in the vehicles

## Tyres

3.11. It is essential that the tyres on all licensed vehicles are in good condition. All tyres must conform to the following requirements:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at

# DRAFT

least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre. (Please be aware that this is a more stringent standard than the MOT test)

- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - o be compatible with the types of tyres fitted to the other wheels,
  - o not have any lump, bulge or tear caused by separation or partial failure of the structure,
  - o not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
  - o not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company/contractor. Vehicle proprietors are required to retain invoices/receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

## Accidents

3.12. If, at any time, a licensed vehicle is involved in any kind of accident, regardless of how minor or who was at fault, the driver must inform the Council of the accident within 72 hours of the accident; this can be done by telephone or email. An accident report form is available upon request and should be completed and submitted to the Council along with photographs of the damage within 24 hours of reporting the accident.

3.13. Following submission of the accident report form the Council will review and determine whether, by nature of the accident, or the stated damage caused, the vehicle must be inspected by an MOT approved garage to ensure the safety of the vehicle. If the damage (whether mechanical or cosmetic) means the vehicle is no longer fit to be licensed a Section 68 notice will be issued. The notice requires that the vehicle is repaired to the required standard within 2 months of issue.

## Meters

3.14. All Hackney Carriages must be fitted with an approved meter. This forms part of the vehicle test. Meters must be calibrated to the tariff set by the Council.



## **4. Additional Provisions for Private Hire Vehicles Only**

### **Advertisements**

4.1. Limited advertising is allowed on a Private Hire Vehicle subject to preapproval by the Council. Advertisements must be in accordance with the requirement set out in Appendix C.

### **Taxi Ranks**

4.2. A list of Taxi Ranks will be made available on request. Private Hire Vehicles are not permitted to park on Taxi Ranks. Private Hire Vehicles are not permitted to pick up or set down passengers on a Taxi Rank. Where Private Hire drivers are found to be using a Taxi Rank penalty points may be issued.

4.3. Excessive idling of engines is not permitted on taxi ranks

### **Executive Hire (discreet plates)**

4.4. Any vehicle proposed to be used for Executive Hire must be licensed as a Private Hire Vehicle. Vehicles used for this purpose must meet the requirements for Private Hire Vehicles. An application for a discreet plate must be made and approved by the Council. A discreet plate means that the vehicle does not need to display the same number of signs that a standard vehicle is required to do. However, these vehicles must carry a plate issued by the Council, which states details of the vehicle, issue date and the number of persons allowed to be carried. The driver must also have in the vehicle a copy of a letter from the council confirming that the vehicle does not have to display a plate. This must be produced on request to an authorised officer or police officer in uniform. Licences will be conditioned to reflect any restrictions that the Council feels necessary.

4.5. Drivers of Executive Vehicles must complete the licensing application process in the same way as any other licensed driver.

4.6. Applicants wishing to apply for a discreet plate must satisfy the following Council requirements;

a) Vehicles accepted include luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. American style stretched vehicles will normally qualify for discreet plates.

b) The vehicle must be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.

c) The type of work undertaken is 'executive' in nature. This would mean that the vehicle is used specifically for clients that for security reasons would not want the vehicle to be identifiable. Documentary evidence of contracts will be required.

4.7. Applications for exemption will be made to the Licensing Authority in writing by a person holding a Private Hire operator's licence issued by the Council. The

# DRAFT

application must be accompanied by documentation to evidence compliance with points a) and c).

4.8. Provided that conditions a) and c) are satisfactorily met, an appropriate appointment will be made to inspect the vehicle to satisfy the requirement of clause b).

4.9. If all points above are satisfied discreet plates will be issued.

4.10. Vehicles with discreet plates must never be used for day to day Private Hire work.

## **Environmental considerations**

4.11. The Council fully supports the use of vehicles that use cleaner environmentally friendly fuels, such as hybrid or electric vehicles.

4.12. It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the district by, in particular, reducing the levels of CO<sub>2</sub> emitted.

4.13. The conditions make it clear that LPG conversions to vehicles are perfectly acceptable.

4.14. Clearly emissions from taxis and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. This is something which is highlighted in the conditions. Drivers are reminded that it is an offence to leave the engine running on any motor vehicle that is stationary on a road, other than if it is due to an enforced stoppage of traffic.

## **5. Private Hire Vehicle Operators**

5.1. The Private Hire Vehicle Operator is responsible for all persons employed, sub-contracted or used in the course of the Private Hire Vehicle business. The operator must undertake sufficient checks so as to be satisfied that only suitable drivers are used (and continue to be used) in the course of the business.

5.2. The Private Hire Vehicle Operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence. The licence must be displayed at all times during the duration of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Council for amendment or if it is required to be produced for inspection by an Authorised Licensing Officer of the Council or a Police Officer.

5.3. A separate licence will be issued in respect of each approved secondary booking office if applicable.

# DRAFT

## **Requirement for a Private Hire Vehicle Operator Licence**

5.4. A licensed Private Hire Vehicle can only be despatched to a customer by a licensed Private Hire Vehicle Operator. The operator licence requires the operator to ensure all its Private Hire Vehicle drivers are licensed by the same Council along with their vehicles.

5.5. A Private Hire Vehicle operator may sub- contract work to operators licensed in other districts if unable to fulfil a booking with its own licensed drivers. Accurate records of any sub-contracting must be kept by the operator and be available for inspection on request. A Private Hire Vehicle operator can also despatch work to any Hackney Carriage.

5.6. Applications for a Private Hire Vehicle operator licence must be made on the Council application form, with the appropriate fee and the applicant must undergo a Basic Disclosure Barring Service check if not already a licensed driver within the Council area. The Council will then decide whether the applicant is a fit and proper person to hold an operator licence. The Council will grant operator licences for a period of 5 years. A licence will only be granted for less than 5 years in exceptional circumstances.

5.7. The council will not grant a licence to an operator whose premises are located outside our area. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended to be a restraint of trade.

## **Fitness and propriety**

5.8. Applications will only be granted where the Council is satisfied that the applicant is a fit and proper person to hold a Private Hire Vehicle Operator licence. In order to determine the applicant's fitness the following will be considered:

- Criminal record (including convictions, cautions, warnings and reprimands)
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by either Council)
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

5.9. In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

5.10. If an application is received from a person that is not a driver licensed by the Council the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service.

## **Insurance**

5.11. Every operator shall put in place Public Liability Insurance for the premises that are to be licensed. Where the operators directly employ the licensed taxi drivers

# DRAFT

Employer's Liability Insurance must also be in place. Evidence of these insurances should be provided as part of the application.

## **Conditions**

5.12. The Council has the power to impose conditions on an operator licence and will do so upon issue. A copy of the operator conditions are provided in Appendix D.

5.13. Additional conditions may be added to a licence when it is deemed necessary by the Council. Failure of the operator to adhere to the conditions of the licence will lead to enforcement action which may include the issuing of penalty points, suspension or revocation of the licence or prosecution.

## **Operator responsibility**

5.14. The Council expects licensed operators to work with the Council and to support the aim of improving safety and safeguarding. Operators must alert the Council to any concerns as to public safety or safeguarding and failure to do so will call into question the fitness and propriety of the operator to hold a licence.

## **6. Driver, Vehicle and Operator Licence Conditions and Application Process**

6.1. Conditions are attached at the time of the issuing of the relevant licence. These conditions are available to view in Appendices B, C and D and are sent out with the application packs. Applicants and licence holders must be aware of these conditions and adhere to them at all times throughout the duration of the licence. Failure to do so may result in penalty points being issued which could result in the suspension or revocation of the licence.

6.2. The application process for driver, vehicle and operator licences can be found in Appendices B, C and D respectively.

## **Enforcement, Compliance and Complaints**

6.3. The purpose of licensing the taxi trade is to protect the public and promote public safety. The Council will utilise all legislative powers available to ensure the public are protected. The Council has an overarching Enforcement Policy to ensure that enforcement is efficient, targeted, proportionate and transparent. The Enforcement Policy is available on the Council's website.

## **Enforcement Penalty Points**

6.4. The Council operates a penalty point Scheme.

6.5. Where breaches of the terms and conditions of any licence (drivers, vehicle or operator) are determined by the Council, penalty points may be issued. Details of the penalty point's scheme can be found in Appendix E.

# DRAFT

6.6. The Scheme is a way of formalising warnings being issued to licence holders. Every licence holder will know what penalty points are attributed to the different types of breaches. Greater penalty points are issued for the condition breaches that are the most serious.

6.7. The penalty points are issued per incident and are cumulative. If one incident has resulted in several breaches of the licence conditions the points issued may reach a trigger level that would require further action against the licence. This could result in suspension or revocation of the licence.

6.8. All Authorised Licensing Officers are authorised to operate the scheme and issue points accordingly.

## **Suspension or Revocation of a Licence**

6.9. Where a vehicle fails to meet the licence conditions determined by an Authorised Licensing Officer, action may be taken by an Authorised Licensing Officer or the police to suspend the licence until the vehicle meets the required standard.

6.10. Where a vehicle is found to be suffering defects, a Section 68 Notice may be served suspending the use of the vehicle until the defects are remedied. The suspension will only be lifted once the vehicle has been inspected by an Authorised Licensing Officer and the Officer is satisfied that the defects have been rectified. A Section 68 Notice may also result in Penalty Points being issued.

6.11. The Council does not suspend or revoke licences lightly but will not hesitate to do so if it is felt it is necessary for the protection of the public.

## **Refusal to Renew a Licence**

6.12. Any renewal application where new criminal convictions are shown on the DBS or there are any other concerns may result in that application being refused.

6.13. A person whose licence renewal application is refused may appeal such a decision to the Magistrates' Court.

6.14. Where an applicant has failed to provide all relevant information or documentation or has failed to comply with any of the requirements needed to renew a licence, the application and renewal of the licence may be refused.

## **Prosecution of Licence Holders**

6.15. The Council may prosecute licence holders for relevant offences in accordance with the Council Enforcement Policy.

## **Appeals**

6.16. Information on any right of appeal will be issued when a decision is made on any enforcement action.

6.17. Service Requests and Complaints

# DRAFT

6.18. The Council has a duty to investigate complaints made by members of the public or partner agencies and any such complaint will be logged as a service request and investigated.

6.19. In determining the most appropriate course of action the Council will have regard to the evidence collated, the credibility of both the licence holder and the complainant.

6.20. The Council operates a complaints process should any person be unhappy with the service received from the Council. Details can be found on the Council website;

[https://www.westsuffolk.gov.uk/Council/Feedback\\_comments\\_complaints/index.cfm](https://www.westsuffolk.gov.uk/Council/Feedback_comments_complaints/index.cfm)

## 7. Appendices

### **APPENDIX A – Hackney Carriage and Private Hire Vehicle Licensing Criminal Convictions’ Policy**

#### **1. Introduction**

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.

1.2 The overriding aim of the licensing authority is to protect the safety of the public.

The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest person
- The safeguarding of children and young persons

1.3 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for drivers’ licences
- Existing licensed drivers whose licences are being reviewed
- Officers of the Business Regulation and Licensing Service and Customer Services
- Members of the Licensing Committee
- Magistrates hearing appeals against local authority decisions

1.4 Where Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee. Whilst officers and the committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

#### **2. General policy**

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but will be expected to:

- a. Remain free of conviction for an appropriate period; and
- b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply

# DRAFT

remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

## **3. Appeals**

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he or she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

## **4. Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## **5. Consideration of disclosed criminal history**

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for
  - How serious the offence(s) were
  - When the offence(s) were committed
  - The date of conviction



# DRAFT

- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

- 5.2 Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Department..
- 5.4 The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 More information about the DBS can be found on their website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk).
- 5.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## 6 Serious offences involving violence

- 6.1 The following will apply to a licence applicant or an existing licence holder unless there are exceptional circumstances to indicate to the Licensing sub-committee that that person is a fit and proper person to hold a licence.
- 6.2 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.3 In other cases anyone of a violent disposition will be refused to be licensed until at least 7 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.4 A licence will not be granted where the applicant has a conviction for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.5 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) and the date of conviction is less than:

### 10 Years prior to the date of application

Arson  
Malicious wounding or grievous bodily harm which is racially aggravated  
Actual bodily harm which is racially aggravated  
Grievous bodily harm with intent  
Robbery  
Possession of firearm  
Riot  
Assault Police  
Common assault with racially aggravated  
Violent disorder  
Resisting arrest  
Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

### 5 Years prior to the date of application

# DRAFT

Racially-aggravated criminal damage  
Racially-aggravated offence  
Or any similar offences (including attempted or conspiracy to commit)  
offences which replace the above

## **7 Years prior to the date of application**

Common assault  
Assault occasioning actual bodily harm  
Affray  
s5 Public Order Act 1986 offence (harassment, alarm or distress)  
s4 Public Order Act 1986 offence (fear of provocation of violence) s4A Public  
Order Act 1986 offence (intentional harassment, alarm or distress)  
Obstruction  
Criminal damage  
Or any similar offences (including attempted or conspiracy to commit)  
offences which replace the above

6.6 A licence will not be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

6.7 In the event of a licence being granted, a strict warning both verbally and in writing will be administered.

## **7. Possession of a weapon**

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years before a licence is granted.

## **8. Sex and indecency offences**

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.

8.2 The following will apply to a licence applicant or an existing licence holder unless there are exceptional circumstances to indicate to the Licensing sub-committee that that person is a fit and proper person to hold a licence.

8.3 A licence will be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults

# DRAFT

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.4 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) and the date of conviction is less than:

<b>10 Years prior to the date of application</b>
Sexual assault Indecent assault Possession of indecent photographs, child pornography etc. Exploitation of prostitution Trafficking for sexual exploitation Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
<b>5 Years prior to the date of application</b>
Indecent exposure Soliciting (kerb crawling) Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.5 In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

8.6 A licence will not be granted if an applicant has more than one conviction for a sex or indecency offence.

## 9. Dishonesty

9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 3 years free of conviction should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud

# DRAFT

- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## 10. Drugs

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 Unless there are exceptional circumstances, to indicate to the Licensing sub-committee that that person is a fit and proper person to hold a licence, a licence will not be granted where the applicant has a conviction for an offence related to the supply or possession of drugs and has not been free of conviction for 5 years.
- 10.3 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they will be required to show evidence of 5 years free from drug taking after detoxification treatment.

## 11 Driving offences involving the loss of life

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 11.2 The following will apply to a licence applicant or an existing licence holder unless there are exceptional circumstances to indicate to the Licensing Committee that that person is a fit and proper person to hold a licence.
- 11.3 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) and the date of conviction is less than:

## **7 Years prior to the date of application**

Causing death by dangerous driving

Causing death by careless driving whilst under the influence of drink or drugs

Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **12 Drink driving/driving under the influence of drugs**

12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

## **13 Outstanding charges or summonses**

13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.

13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

13.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

# DRAFT

## **14 Non-conviction information**

- 14.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.
- 14.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **15 Cautions**

- 15.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

## **16 Licensing offences**

- 16.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed.

## **17 Insurance offences**

- 17.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.
- 17.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

## **18 Overseas residents**

- 18.1 If a private hire operator applicant has spent six continuous months or more overseas the licensing authority will require to see evidence of a criminal record check from the country/countries covering the period.

# DRAFT

## 19 Licences issued by other licensing authorities

19.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

## 20 Summary

20.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

20.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

## Annex A – Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6



# DRAFT

BA30	Attempting to driver while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11

# DRAFT

DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3

# DRAFT

<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions and Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

# DRAFT

## **Aiding, abetting, counselling or procuring**

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

## **Causing or permitting**

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

## **Inciting**

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

## **Non-endorsable offences**

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

## **Period of time**

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

# DRAFT

## APPENDIX B - Licensed Driver Application Process

It is the Council's responsibility to license all taxi drivers, vehicles and operators to ensure the public receive a safe and reliable service.

**Please read these notes and the relevant parts of the Hackney Carriage and Private Hire Licensing Handbook before beginning your application.**

The Hackney Carriage and Private Hire Licensing Handbook can be viewed online at [http://www.westsuffolk.gov.uk/business/regulation\\_and\\_licensing/licensing/taxi\\_licensing/](http://www.westsuffolk.gov.uk/business/regulation_and_licensing/licensing/taxi_licensing/)

### New Drivers

1.1. There are a number of requirements which must be satisfied before an application can be considered:

- You must have held a full UK/EU drivers licence for a minimum of 12 months which shows your current address.
- You must be able to demonstrate that you have the right to live and work in the United Kingdom.
- You must satisfy us that you are a 'fit and proper person' to hold a driver's licence. This is a wide ranging requirement covering previous convictions, cautions, motoring offences, health and any other such matters as the Council considers appropriate. If you have any concerns regarding convictions, please contact our Licensing Department.

### 2. Stage One – Driver Theory Assessment/Document check

2.1 The first step in obtaining a driver's licence is to pass a theory assessment and document check. You must bring with you your driving licence, passport, residence permit or any other document that proves your entitlement to work in the UK. There is a fee of £20.00 per assessment and is booked through West Suffolk college.

- The Assessment consists of a written test of ten questions. The pass mark is 80%. The questions will cover subjects such as the Highway Code, taxi legislation, maths, local geography and routes.
- Your driving licence will be checked.
- Your right to work in the UK will be checked. We will follow the general advice given by the UK border Agency, available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/613415/A\\_Licensing\\_Authority\\_guide\\_to\\_right\\_to\\_work\\_checks\\_-\\_England\\_and\\_Wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/613415/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf)  
You will be notified of the result by email and a pass certificate issued which must be produced when you make your full application (please see check list on the application form). Anyone who fails can retake the test up to 2 more times (total 3 attempts).

To book your place for stage one, please contact 01284 716246. You can pay over the telephone whilst booking your place. You can also book your driver assessment and complete them both at the same time.

## 3. Stage Two Practical Driver Assessment

3.1. All new drivers must pass a practical driving assessment equivalent to a Driving Standard Agency test for taxi and private hire drivers. West Suffolk College are offering the test and you can book a place by selecting this link <http://www.westsuffolkcollege.ac.uk/employers/taxi-driving-practical-assessment.aspx> and can be completed at the time of your theory test.

3.2. Other providers are available and acceptable, but the test must have been taken within 12 months of your driving application:

- Priority Driver Training <http://www.prioritydrivertraining.co.uk/taxi-assessments/>
- ROSPA <http://www.rospa.com/safety-training/>
- Institute of advanced motorists <https://www.iamroadsmart.com/iam-business/overview>
- Total Driving <http://www.totaldriving.net/advanced-car/taxi-phv-driver-training/>

3.3. Drivers of Wheelchair accessible vehicles **must also** have a DVSA approved practical disability awareness course (DSA previously). The certificate of attendance must be presented to the Council on application or renewal of their licence. To book your course <http://www.dmptraining.co.uk/contact-us/> or call 01359 408090.

## 4. Stage Three – completing your Level 2 Certificate

### Level 2 Certificate

### Introduction to the Role of the Professional Taxi and Private Hire Driver

4.1. All new drivers are required to pass this qualification before they apply for a 3 year licence

4.2. This course is available at West Suffolk College and will be delivered over 2 full days by the College, payment option via three monthly instalments is available. You will need to pass the assessment before the Certificate is awarded.

Follow this link for information on the course content and how to book:

<http://www.westsuffolkcollege.ac.uk/courses/course-search.aspx?ke=driver>

### Course Content

4.3. Course content may be subject to change depending on legislation or other factors but currently includes the following units:

- Health and Safety in the taxi and private hire work environment
- Road safety when driving passengers in a taxi or private hire vehicle
- Professional customer service in the taxi and private hire industry
- Taxi and private hire vehicle maintenance and safety inspections
- The regulatory framework of the taxi and private hire industry

# DRAFT

- Taxi and private hire services for passengers who require assistance
- Routes and fares in the taxi and private hire vehicle industries
- Transporting of parcels, luggage and other items in the taxi and private hire industries
- Transporting of children and young persons by taxi or private hire vehicles (safeguarding)

## 5. Stage 4 Completing your Application Form

5.1. Incomplete applications will not be accepted. Before we will consider your application, you must submit to the Council:

- a fully completed application form together with the following supporting documents:
  - Payment of the fee
  - West Suffolk Driver Theory Assessment Certificate
  - 1 passport size colour photograph (no head gear of any form unless for religious reasons)
  - Full DVLA driving licence
  - Completed DVLA Check Code
  - Evidence of an appropriate practical Driver assessment
  - Current Passport or birth certificate or other proof of entitlement to work in the UK
  - Group II medical pass certificate
  - Enhanced DBS certificate less than one month old
  - Level 2 certificate in Introduction to the Role of the Taxi and Private Hire Driver or an equivalent Level 2 qualification such as City & Guilds or BTEC, or confirmation of enrolment at West Suffolk College.

5.2. For applicants that have less than 5 years residency and/or holders of non EU passports additional documentation is required:

- a national identify card
- a residence permit, registration certificate or a document certifying or indicating permanent residence (this should contain the persons National Insurance number)
- a biometric immigration document
- a certificate of good conduct/character from the relevant embassy
- a UK driving licence counterpart from DVLA (see form D9)

### 5.3. **Please note:**

All documents presented must be originals; photo copies etc 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.

## 6. DVLA Validation Check Code – “View Driving Licence Code”

6.1. This allows the Council to check your driving licence status, issue number and validity dates, vehicle codes and disqualifications/penalties.

# DRAFT

6.2. Driver consent is captured through a unique 'check code' generated by the driver using DVLA View Driving Licence Service ([www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)). The code generated must be valid for at least 14 days on the date you apply for your licence. The code must be submitted with your application form.

6.3. If possible please print off the code or the results sheet and submit with your application, printed results sheets will speed up the process.. If you cannot print please write the code clearly making sure upper and lower case letters are clear and easy to distinguish.

## 7. Medical examinations

7.1. A group 2 medical will be required for all new applications. The Council follows the DVLA group 2 medical guidelines for the purposes of Hackney Carriage and Private Hire licensing.

7.2. A group 2 medical will be valid up to the applicant's 45<sup>th</sup> birthday. Thereafter, a further group 2 medical will be required every 5 years until the age of 65. The medical will then be required every year thereafter. The Council will not accept Medics on Wheels Group 2 Medicals after the age of 45.

7.3. In addition, medical certificates may also be required in any case where the council thinks it appropriate should there be reason to believe that a new medical condition has emerged.

7.4. Medical forms are obtainable from the council website [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk), and completed forms must be submitted at application.

## 8. Insulin treated Diabetes

8.1. Drivers with insulin dependant diabetes are required to hold a DVLA C1 category Group 2 licence (i.e. one issued after 1 January 1998). This licence must be produced to the council annually for inspection.

## 9. Disclosure and Barring Service (enhanced criminal records check DBS)

9.1. The Council is obliged to be satisfied that any licensed driver is fit and proper to hold a driver licence and the enhanced disclosure is one of our means of establishing this. New applicants will need to obtain an **enhanced** DBS disclosure which includes Child and Adult workforce, prior to their application being determined. Licensed drivers will need to complete a new enhanced disclosure, or have their status checked, every three years.

9.2. The DBS has now introduced an update service, to which you are required to subscribe: <https://www.gov.uk/government/news/disclosure-and-barring-service-update-service-now-available>. For more guidance on the update service, and how to apply, follow this link: <https://www.gov.uk/government/publications/dbs-update-service-applicant-guide>



# DRAFT

9.3. If you subscribe to the update service, and you have had an enhanced DBS disclosure which includes the category child and adult workforce, which has been issued since 17 June, 2013, then please bring along your **original DBS certificate**. The council will then be able to check your status on line free of charge.

9.4. If you do not subscribe to the DBS update service a DBS certificate can be obtained from GB Group by following the instructions below.

## 10. Registration with GB Group

To be able to Sign In and complete the disclosure application, you first need to register at - <https://gbg.onlinedisclosures.co.uk/Registration/Registration>

To self-register use the following: **PIN**

**Secret Word**

West Suffolk Council

Drive

168952

You will be sent an activation email, follow the instructions in the email to create your password. Now you will be able sign in whenever you like and complete your DBS application online. You will then be required to subscribe to the DBS update service.

## 11. Verification of ID documents

11.1. Your ID documents will need to be verified at a Post Office. The nearest Post Office to you, offering this service can be found during the application process. Currently in this area Newmarket, Haverhill, Bury St Edmunds and Thetford Post Offices offer this service.

11.2. In order to have your ID verified, you must print out the ID verification form and take this to the Post Office, along with the ID documents you have listed. Any payment required should be made at the Post Office once they have verified your ID.

## 12. GB Group Contact Details

Helpdesk: 0845 251 5000

Opening times – Mon to Fri 8.30am to 5.30pm

Email: [onlinedisclosures@gbgplc.com](mailto:onlinedisclosures@gbgplc.com)

## 13. How to submit your application

13.1. Once you have received your DBS certificate, passed your driving test, course and your medical you should prepare your application by getting all the required documents together.

13.2. Make sure that all the questions on the application form are completed and submit with all original supporting documents and the correct fee. Payment should be made by card or cheque made payable to West Suffolk Council. You can submit your completed application to the address below Monday to Friday 8.45 am to 5.00 pm.

13.3. We do not accept incomplete applications under any circumstances.

# DRAFT

## **Please note:**

We are required by law to protect the public funds we administer. We may share information provided to us with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

Licensing@westsuffolk.gov.uk

customer.services@westsuffolk.gov.uk Tel: 01284 758050

<https://www.westsuffolk.gov.uk/contact-us.cfm>

## **Renewal Applications**

A reminder pack will be sent out to the last address we hold for drivers 2 months prior to expiry date of licences.

If for any reason you do not receive a reminder, it remains your responsibility to make sure a renewal application is received in plenty of time and at least two weeks prior to your expiry date.

Before we will consider your application, you must submit to the Council:

- a fully completed application form together with the following supporting documents:
- Payment of the fee
- 1 passport size colour photograph less than one month old (no head gear of any form unless for religious reasons)
- Full DVLA driving licence
- Completed DVLA Check Code
- Current Passport or birth certificate or other proof of entitlement to work in the UK
- Group II medical pass certificate (if required this will be sent with the renewal pack)
- Enhanced DBS certificate less than one month old

## **Please note:**

All documents presented 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.

It is an offence to drive a licensed vehicle without the appropriate licence, for which the maximum fine is £1,000. **If you allow your licence to lapse, any subsequent application will be treated as a new application.**

## **15. DVLA Validation Check Code – “View Driving Licence Code”**

As per New driver application.

## **16. Medical examinations**

16.1 The Council follows the DVLA group 2 medical guidelines for the purposes of Hackney Carriage and Private Hire licensing. If you are due a medical at time of renewal a form will be included with your reminder

In addition, medical certificates may also be required in any case where the council thinks it appropriate should there be reason to believe that a new medical condition has emerged.

# DRAFT

## 17. Disclosure & barring service (criminal records check)

As per New driver application.

If you were issued a licence before XXX 2020 [date new policy into force] and had not subscribed to the DBS update service, make sure that you obtain your DBS check via the online system before making your application to renew. Allow up to 60 days for return of your DBS. Once you have received your DBS you must subscribe to the DBS update service for your licence to be considered for renewal in the future.

A subscription to the DBS update service must be made when making a new application. This means that all drivers must be subscribed by XXXX 2023.

## 18. How to submit your application

As per New driver application.

We do not accept incomplete applications under any circumstances.

### Please note:

We are required by law to protect the public funds we administer. We may share information provided to us with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

[licensing@westsuffolk.gov.uk](mailto:licensing@westsuffolk.gov.uk)

[customer.services@westsuffolk.gov.uk](mailto:customer.services@westsuffolk.gov.uk) Tel: 01284 758050

<https://www.westsuffolk.gov.uk/contact-us.cfm>

## 19. Licensed driver conditions – applies to all drivers

### Driver Badge/Licence

19.1. The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council in a prominent visible place on the outer clothing. The badge must be clearly visible to passengers and made available on request.

19.2. The driver's badge remains the property of the Council. The badge must be returned to the Council immediately if the licence is suspended or revoked. Upon expiry the badge must be returned to the Council within 7 days.

19.3. Hackney Carriage and Private Hire Vehicles shall not be driven by unlicensed drivers under any circumstances, the only exception being a qualified person testing a licensed vehicle or its taximeter.

19.4. The driver of a Hackney Carriage / Private Hire Vehicle /shall submit the original Private Hire Vehicle Driver's licence to his/ her employer (Private Hire Vehicle Operator) before commencing employment as a driver of Private Hire Vehicle. The employer (Private Hire Vehicle Operator) shall retain the original Private Hire Vehicle Driver's licence until such time as the driver ceases to be so employed.

### Conduct of Driver

19.5. Drivers shall at all times when the vehicle is being driven for hire be clean and smartly dressed. Drivers must maintain a high standard of personal hygiene and dress in clothing and footwear suitable to the public service, which is clean, tidy

# DRAFT

and inoffensive. Flip flops, cropped shorts and tight fitting vest tops are not considered professional attire.

19.6. The driver shall not at any time behave in an abusive, aggressive or threatening manner to any passenger, officer of the council or any officer authorised by the Council.

19.7. Private hire vehicle drivers shall not:

- a. park the vehicle on any hackney carriage stand for any reason
- 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).

19.8. The driver shall take all reasonable steps to ensure the safety and welfare of all passengers driven by him/her.

19.9. Drivers must at all times when working with vulnerable passengers comply with the below detailed safeguarding principles set out on our website: [\[insert link\]](#)

[Safeguarding principles to be added to website: A vulnerable passenger is a passenger whose age or disability means that she/he is more susceptible to harm than a typical passenger. Vulnerable passengers include children, elderly persons or somebody with learning difficulties. In addition, an individual should be considered vulnerable if she/he does not fall within one of the above categories, but whose condition is such as to render him/ her more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

The following safeguarding principles aim to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the Hackney Carriage or Private Hire trade. The following safeguarding principles must be complied with and embedded into driver working practice:

- Drivers must carry photo ID at all times and wear it in accordance with the conditions of the licence.
  - A lone vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver/operator must not undertake the journey.
- Drivers should always ask if a vulnerable passenger needs help and should not make assumptions.
- Drivers must remain professional at all times and should not:
  - Touch a person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing, sexualised or discriminatory language)

## DRAFT

- Behave in a way that may make a passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a person; these standards are equally applicable when working with vulnerable and non-vulnerable passengers.]

- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so). If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, the driver must report this to the police by telephoning 101 (or in appropriate cases by calling 999).

If a driver/operator is concerned about someone else's conduct, they should report any concerns to the Council's Licensing Department; [licensing@westsuffolk.gov.uk](mailto:licensing@westsuffolk.gov.uk), Police (101) or Crimestoppers (0800 555111)

19.10. 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. Medical exemption can be applied for.

19.11. The driver will ensure that all plates, labels and stickers supplied by the council are displayed and legible at all times. The licence plate must be securely attached to the rear of the vehicle.

19.12. The driver will only take refreshment in the vehicle at times when it is parked and not in service.

19.13. The driver will turn any entertainment off or down at the request of any passenger.

19.14. Licensed Drivers must carry a reasonable quantity of luggage when requested by any passenger. Licensed Drivers must afford all reasonable assistance with passenger luggage and shopping as may be required when loading and unloading. Licensed Drivers must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to the local police station within 24 hours, unless an alternative arrangement has been made with the owner of the property.

19.15. Licensed drivers must, when aware that the vehicle has been hired to be in attendance at an appointed time and place, or when otherwise instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place unless delayed or prevented by sufficient cause. The driver must 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.

# DRAFT

19.16. Licensed drivers must at all times when driving a licenced vehicle ensure the vehicle is clean, roadworthy and well maintained and meets the Councils vehicle licence conditions.

19.17. Throughout the duration of the licence, Licensed Drivers must notify the Council **in writing** within seven days providing full details of any:

- a. criminal offence for which they have been convicted
- b. disqualification from driving they have received
- c. cautions, binding overs, reprimands or final warnings
- d. charges awaiting trial
- e. summons to court
- f. Fixed Penalty Notices
- g. Civil proceedings, orders or injunctions
- h. endorsement on their DVLA driving licence
- i. material change to their medical condition since their most recent Group 2 medical submitted to the council
- j. change of their address
- k. change in their operator
- l. accident involving the vehicle whilst they were driving.

Failure to notify the Council of the above will result in enforcement action being taken.

19.18. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within 24 hours of reporting the accident (except in exceptional circumstances when the report must be made as soon as possible after the accident – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

19.19. The driver must not:

- a. use any two way radio equipment unless an appropriate licence from the Office of Communications is held by the operator and available for inspection
- b. use any scanning equipment
- c. use a mobile phone whilst driving as per the current legislation
- d. carry any other person in the vehicle without the express consent of any other passengers carried in the vehicle

# DRAFT

provide any alcoholic drinks within the vehicle unless there is an appropriate licence in place

## Duty to Carry Guide Dogs and Assistance Dogs

19.20. Drivers must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Council and the Notice of Exemption is displayed in the approved manner by it being fixed in a prominent position facing outwards on the dashboard.

19.21. Any animal belonging to or in the custody of any passenger should remain with that passenger and may be conveyed in the front or rear of the vehicle.

19.22. Drivers hired to carry a guide dog must ask the owner where s/he would prefer the dog to be. Most dogs are trained to lie in the front passenger footwell between the feet of the owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Drivers must let the visually impaired person know that this applies.

19.23. If the front foot well is not large enough to accommodate the dog, the guide dog owner must be advised to travel in the rear of the vehicle with the dog in the footwell behind the front passenger seat. The seat should be pushed forward to make room for the dog

## Duty to Assist Passengers in Wheelchairs

19.24. Licensed Drivers must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed Hackney Carriage/ Private Hire Vehicle drivers:

### Duty to Assist Passengers in Wheelchairs

19.25. Section 165 of the Equality Act 2010 places a duty on the driver of a designated \*wheelchair accessible Hackney Carriages and Private Hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - To give the passenger such mobility assistance as is reasonably required.

\* Designated vehicles are those listed by the Council under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'. (a list can be obtained on request)

19.26. The driver must surrender his licence to the council within seven days if they receive a driving ban through a conviction.

## Fares

19.27. Licensed Drivers must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

# DRAFT

19.28. Licensed Drivers must not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

19.29. Licensed Drivers must, if requested by the hirer, provide a written receipt for the fare paid. The receipt must bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

19.30. The driver must complete any mandatory training as directed by the council.

19.31. The driver must not smoke tobacco a similar substance, or E-Cigarettes/Vaping Cigarettes in the vehicle at any time.

## Disclosure and Barring Service Online Update Service and Online DVLA System

19.32. Licensed Drivers must subscribe to the Disclosure and Barring Service (DBS) Online Update Service. Any costs associated with maintaining this subscription must be met by the licensed driver.

19.33. Licensed Drivers must give permission for the Council to undertake checks of their DBS and DVLA status should the Council consider it necessary to do so. The Councils will use the DBS Online Update Service to monitor the criminal record of Licensed Drivers.



# DRAFT

## APPENDIX C - Vehicle Application Process and Conditions

### 1. Guidance notes

#### 1.1. Application Process

Any vehicle which is not currently licenced as a Hackney Carriage / Private Hire Vehicle with the Council, no matter how recently the licence elapsed or was transferred, will be treated as a new vehicle application.

1.2. It is the council's responsibility to licence all taxi drivers, vehicles and operators to ensure the public receive a safe and reliable service.

**Please read these notes and the relevant parts of the hackney carriage and private hire licensing handbook policy before beginning your application.**

1.3. Applicants for a new licence for a Hackney Carriage/Private Hire Vehicle please visit [http://www.westsuffolk.gov.uk/business/regulation\\_and\\_licensing/licensing/taxi\\_licensing/](http://www.westsuffolk.gov.uk/business/regulation_and_licensing/licensing/taxi_licensing/) to download an application form. Please note that new licence applications can only be submitted for vehicles **under five years old** at first application. For exceptions to this rule please see Handbook. Once licensed a vehicle will require a test every 6 months.

1.4. Details regarding signs, fire extinguisher, first aid kit and advertising are as set out in the Handbook.

### 2. Hackney carriage vehicle licences

#### 2.1. The applicant should:

- Download application form and fully complete
- Book vehicle compliance test using one of our listed approved garages:
  - **West Suffolk council depot testing station**, Bury Road, Fornham St Martin, Bury St Edmunds, IP31 1FE. Tel: 01284 757458
  - **Forestford**, North Terrace, Mildenhall, IP28 7AA Tel: 01638 515600
  - **Wests Garage Ltd**, 11 Church Street, Exning, Newmarket CB8 8LR Tel: 01638 578348
  - **New Heath Autos Ltd**, 46 Exeter Road, Newmarket CB8 8LR Tel: 01638 665612
  - **JDG Motor Services Ltd**, Finchley Avenue, Mildenhall, IP28 7BG Tel: 01638 712649
  - **Brandon MOT test Centre**, 15 Barnes Close, Brandon IP27 0NY Tel: 01842 811130
- Once vehicle has passed its compliance test you will be issued with a certificate which should be then attached to your application form.
- Make appointment to see Licensing Officer 01284 758050.
- You will need to bring with you to the appointment:

# DRAFT

- Fully completed application form
- Appropriate insurance certificate or cover note (see Handbook)
- Compliance test pass certificate
- MoT if vehicle more than 12 months old
- Fee - payment should be made by card or cheque payable to West Suffolk Council

• Your plates will be made for you as arranged at the appointment and must be displayed securely on the vehicle as outlined in the Handbook.

### 3. Renewal of Private Hire vehicle licence

3.1. A renewal reminder pack will be sent out to the last address we hold on record for drivers two months prior to expiry date of your plates. If for any reason you do not receive a reminder, it remains your responsibility to make sure a renewal application is received in plenty of time and at least two weeks prior to expiry date. If we are not given this amount of notice it cannot be guaranteed that your new plates and licence will be issued before it lapses. Renewal applications are accepted by reception staff and can be presented any time during office hours.

### 4. How to submit your application

4.1. Make sure that all the questions on the application form are completed and submit with all original supporting documents and the correct fee.

4.2. You can submit your completed application to the appropriate address below Monday to Friday 8.45am to 5pm.

4.3. We do not accept incomplete applications under any circumstances.

Our offices are:

College Heath Road  
Mildenhall  
Bury St Edmunds  
IP28 7EY

West Suffolk House  
Western Way  
Bury St Edmunds  
IP33 3YU

[customer.services@westsuffolk.gov.uk](mailto:customer.services@westsuffolk.gov.uk) Tel: 01284 758050

### 5. General information about Hackney Carriage Vehicles

5.1. 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.

5.2. 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. Roof signs must be permanently displayed, even whilst undertaking private hire work.

# DRAFT

- 5.3. 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.
- 5.4. 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
- 5.5. It is a criminal offence to use a vehicle as a hackney carriage plying for hire within the district of West Suffolk Council without having a hackney carriage licence.
- 5.6. 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.
- 5.7. 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.

# DRAFT

## Vehicle Licence Conditions - Hackney Carriage Vehicles

### 6. The vehicle

6.1. 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:

- a) 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 [requirement subject to consultation: insert 'subject to livery requirements below' if the Council decision, based on the public consultation, is that a livery should be enforced across any area of West Suffolk], or
- b) be a saloon (existing vehicles only), hatchback, estate or MPV/minibus type vehicle of any colour

6.2. Hackney carriage vehicles may use a rank on private land such as a racecourse with the express authorisation of the racecourse in writing.

6.3. [Subject to the outcome of the consultation text will be inserted here regarding livery and timetable for introduction]

6.4. All newly plated vehicles must be wheelchair accessible vehicles.

6.5. 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:

1. 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 a colour to be determined following the outcome of the consultation / of any colour]., or
2. be a saloon, hatchback, estate or MPV/minibus type vehicle [of a colour to be determined following the outcome of the consultation / of any colour].

6.6. The age of the vehicle on first grant and replacement of a Hackney Wheelchair accessible vehicle must be no older than **five** on first registration. Saloon replacements must be **no more than 5 years of first registration**.

6.7. Vehicles must be no older than 10 years, except electric/zero emission vehicles for which there is no maximum age.

### 7. The vehicle must:

7.1. 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 standard conditions)

7.2. have an engine of cubic capacity of which is capable of enough power to carry the amount of passengers it is licensed for including bags/cases.

# DRAFT

- 7.3. be a right-hand drive vehicle
- 7.4. have, at least four 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
- 7.5. be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers
- 7.6. 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
- 7.7. 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 marked with the vehicle plate number must be present if vehicle is not manufactured with a spare wheel. Tyres with embedded nails, etc, are not acceptable; they must be replaced, not repaired. The minimum tread depth will be 2mm and wear will be even.
- 7.8. be provided with a taxi meter fitted and working in accordance with the standard conditions made by the Council regarding taxi meters
- 7.9. have a **roof sign** provided which is capable of being illuminated at night. The roof sign must display the word taxi and the must be a sign to indicate when the vehicle is available #FOR HIRE'
- 7.10. 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 inches to be licensed for three passengers.
- 7.11. not be in excess of 5334mm (210 inches) in length.

## **8. The driver of the hackney carriage will:**

- 8.1. proceed with reasonable speed to and station the vehicle on a rank
- 8.2. If a rank, at the time of the drivers arrival is full, will proceed to another stand or return when the rank has space
- 8.3. on arriving at a rank, the driver will station the vehicle behind the other vehicles facing the same direction. The driver will direct passengers to the vehicle at the front of the rank ready for hire.
- 8.4. the driver of the first or leading hackney carriage on the rank must be ready for hire and by hired by any person
- 8.5. not charge any fare higher than that on the taximeter unless stated on the fare card that is, extra persons or soiling charges. Selecting unauthorised extras on the tariff will be deemed as overcharging to which the driver will face penalties.

# DRAFT

## 9. The proprietor will:

- 9.1. 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
- 9.2. provide an in date efficient fire extinguisher suitable for use in a motor vehicle, which shall be safely 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. A sign shall depict where the equipment is kept.
- 9.3. not allow modifications to be made to the standard factory built vehicle without prior consent of the licensing authority
- 9.4. make sure 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
- 9.5. make sure that there is no smoking or vaping in their licensed vehicle at any time (even when it is not being used for hire or reward). Drivers must ensure that at least one sign showing the red 'NO SMOKING' symbol is prominently displayed

## 10. Taximeters

- 10.1. The vehicle will be fitted with a taximeter that is **calendar facilitating**. A taximeter must be fitted to all vehicles and it must comply with the following requirements:
- 10.2. 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.
- 10.3. No tariffs other or greater than those currently fixed by the council shall be displayed on the face of the taximeter.
- 10.4. Must be fitted so that all letters and figures on the meter can be clearly visible to any person travelling in the vehicle;
- 10.5. The taximeter must be fixed to the vehicle with seals so that no unauthorised person can alter or tamper with the meter without the seal being broken.
- 10.6. Vehicles with improperly sealed meters will not be licensed. The meter must be used for all journeys including those booked through a Private Hire Operator.
- 10.7. A current fare/tariff card as issued by the council showing the full table of hackney carriage fares shall be clearly and visibly displayed within the vehicle at all

# DRAFT

times. This tariff card must be legible and not concealed by the driver.

10.8. 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.

10.9. The Measuring Instruments (Taximeters) Regulations 2006 applies to all meters fitted.

## 11. Roof sign/for hire sign

11.1. The vehicle shall be fitted with a 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. The roof sign must be not less than 18 inches and not exceeding 36 inches in length.

11.2. 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 with the written approval of the Council. The words 'TACSI' or 'TAKSI' must not be used. Third party advertising is not permitted without prior approval from the Council

11.3. A separate For Hire sign will be fitted to the vehicle where the roof sign does not bear the words For Hire.

11.4. 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.

11.5. The illumination should automatically be extinguished when the taximeter is engaged. Any illumination must not contravene any statutory requirement.

## 12. Licence plates and labels

12.1. Every vehicle must have:

- a) the plate issued by the Council displayed securely on the outside rear (and not inside the rear window);
- b) the double sided label issued by the Council displayed inside the front windscreen and visible to passengers inside the vehicle as well as outside the vehicle;
- c) Door signs on nearside and offside front doors displaying the word 'TAXI'

## 13. Passengers

13.1. 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.

## 14. First aid kit

# DRAFT

14.1. There shall be provided and maintained in good working order in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings including sterile bandages and plasters that are in date. The kit should be marked with plate or registration number and there should be a sign depicting where the kit is kept within the vehicle.

## 15. Advertisements, signs, notices (hackney vehicles)

15.1 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 Hackney vehicles only. Front doors may carry the contact details of the proprietor. Hackney 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

## 16. Window Glass

16.1 Windows Glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, which prevent clear vision into vehicle are not permitted. Only factory fitted tinted glass will be acceptable which must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986. Under no circumstances will stick on style tinting be permitted.

## 17. Temporary replacement vehicles

17.1. 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 or Private hire Vehicle as a result of an accident. Temporary plates must be secured on the outside rear of the vehicle (**not in the rear window**)

17.2. On such occasions and only these occasions the standard conditions made in relation to the required vehicle livery are waived.

17.3. 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**).

17.4. The replacement vehicle must not have a greater passenger seating capacity than the original vehicle.

17.5. Prior to the grant and issue of a temporary vehicle licence the vehicle must be tested and inspected at one of the council's authorised vehicle inspector garages.

17.6. 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.

17.7. 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 Licensing policy and conditions.



# DRAFT

## **18. 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.

- 18.1. have an engine of cubic capacity of which is capable of enough power to carry the amount of passengers it is licensed for including bags/cases.
- 18.2. 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
- 18.3. Access from the doors to the seats (and vice-versa) must be direct without the need for passengers to climb over parts of seats or luggage.
- 18.4. 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.
- 18.5. 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.

## **19. Wheelchair accessibility**

- 19.1. . The council will not grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps.
- 19.2. 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.
- 19.3. 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.
- 19.4. The wheelchair user must on request be able to transfer to a vehicle seat.
- 19.5. The vehicle must display a sign depicting the universally recognised disabled logo on the door where the passenger will be loaded.

## **20. Entry to the vehicle**

- 20.1. Any doorway used to load wheelchair users must provide adequate height and width to allow passengers to be loaded whilst seated in their wheelchair.
- 20.2. Any steps, either fixed or retractable, must be permanently secured at the point of entry.

## DRAFT

- 20.3. The surface of all steps must be slip resistant. Step nosing must be designed to
  - a. minimise risk of tripping and must be in a contrasting colour.
- 20.4. 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.
- 20.5. Handrails or Handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.
- 20.6. The surface of every handrail or handhold must contrast in colour from the
  - a. surrounding surfaces and be of a slip resistant finish.
- 20.7. 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.
- 20.8. 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.
- 20.9. Channel ramps must not be used. However, ramps which fold are permitted
  - a. providing the ramp is rigid when deployed.
- 20.10. The surface of all ramps must have a slip resistant finish.
- 20.11. All outer edges must be clearly marked in a contrasting colour.
- 20.12. Provision must be made for the safe storage of the ramp when not in use.

### **21. Wheelchair within the vehicle**

- 21.1. The wheelchair user must travel in a space designated for that purpose.
- 21.2. 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.
- 21.3. Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- 21.4. All wheelchairs must be securely fastened.
- 21.5. Passengers occupying a wheelchair must be provided with a seat belt.
- 21.6. 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.
- 21.7. Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.

# DRAFT

21.8. 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 make sure:**

21.9. That all drivers of such vehicles have an approved DVSA practical wheelchair accessible training course. **(The certificate of attendance must be presented to the council).**

21.10. 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.

21.11. 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.

## **22. Trailers**

22.1. Only vehicles licensed by the council to carry 6 7 or 8 passengers are permitted to tow a trailer.

22.2. 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.

22.3. 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 a West Suffolk vehicle testing station for suitability, safety and compliance with all relevant legislation. Fees are payable for each test and inspection.

22.4. Whilst a hackney carriage is towing a trailer it is not permitted to use a hackney carriage rank.

22.5. Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.

22.6. 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.

22.7. 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.

22.8. 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.

# DRAFT

22.9. The maximum gross weight of any trailer shall not exceed 750kg.

## **23. In-car surveillance systems – (CCTV)**

23.1. Vehicle proprietors may install image recording equipment in licensed vehicles and is deemed to be the data controller.

23.2. An approved installer must carry out the installation in accordance with the manufacturer's instruction and the Council's conditions.

23.3. All image recording equipment must comply with the requirements of current data protection legislation. For the purpose of the General Data Protection Regulation, a controller determines the means and purposes of processing personal data. For the purpose of the installation and operation of a CCTV system in taxis and private hire cars, the controller will be the holder of the taxi or licensed vehicle licence and not the driver.

The licence holder will be responsible for ensuring compliance with the requirements of Data Protection legislation, including the GDPR, and this policy. The controller is legally responsible for the use of all images including breaches of legislation and where a third party processor is used for the remote storage of personal CCTV data and for which the controller retains full responsibility for the processor's actions.

More information can be found at: <https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

23.4. 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 of the road through the windscreen.

23.5. Equipment must be secure and not interfere with the safe operation of the vehicle.

23.6. All cameras must be installed above the level of the dashboard within the vehicle.

23.7. Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.

23.8. There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. Guidance is available with the ICO (Information Commissioners Office). 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. 16. Liquid petroleum gas (LPG)

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

## 24. Vehicle tests and inspections

24.1. All vehicles must have inspections carried out at an approved vehicle testing station from the list of approved testers supplied by the Council at least twice a year. The first test must be carried out prior to the grant of the Licence (when a Certificate of Compliance will be issued for 6 months) and the second test must be carried out prior to the expiry of the Certificate or Compliance issued on passing the first test. The expiry date of the Certificate of Compliance will be:

- six months minus one day from the date of the test (for the first test);
- the expiry date of the Licence period (for the second test).

24.2. The vehicle shall be inspected and tested as follows:

- a) Prior to the granting of the initial licence –
- b) six months after issue of licence. .
- c) Annually when the licence is due for renewal –
- d) At any other time if so requested by the council up to a maximum of three separate occasions during any one period of 12 months.

24.3. 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 four weeks will be given for repair or the licence shall be deemed revoked.

**All Hackney vehicles licensed by the council will be required to hold a valid MOT certificate from 12 months old.**

## 25. Accidents

25.1. 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.

25.2. 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.

## 26. Insurance

26.1. 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 (that is for hire and reward). This shall include third party insurance for personal injuries suffered by

# DRAFT

passengers.

26.2. 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.

26.3. 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.

## **27. Transfer of vehicles**

27.1. A licensed vehicle with its licence can be transferred from one owner to another. This must be done as a complete transaction for example, the already plated vehicle is transferred completely with its plate from one person to another. If the vehicle is sold without its licence, this is not a transfer in terms of licensing, please see vehicle changes/replacements under no. 27 below.

## **28. Licence renewal**

28.1. 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 their hackney carriage vehicle licence. If an application for renewal is not received by the expiry date, the licence will lapse and the vehicle will have to be licensed as a first grant adhering to those conditions. It is a criminal offence to ply for hire in an unlicensed vehicle.

## **28. Convictions**

28.1. 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 seven days of conviction.

## **29. Change of address**

29.1. 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.

## **30. Disciplinary code**

30.1. The council has adopted a disciplinary code [see Appendix E](#), which sets out the principles and procedures by which breaches of statutory provisions, or the contravention of any of the council's standard conditions will be dealt with by the council.

## **31. Inspection of licences**

31.1. The proprietor shall, at the request of the council, produce for inspection the licence either forthwith or at its licensed council district office, beginning with the day following that on which the request is made.

## **32. Replacement of vehicles**

32.1. Wheelchair hackney carriages must be replaced with a vehicle no older than 5 years.

## **33. Right of appeal**

33.1 Nothing in these conditions will remove the right to appeal to a Magistrates' Court against the Council's refusal to grant or renew a licence, or any decision to suspend or revoke a licence, nor against any conditions which may have been imposed on any such licence by the Council. Any appeal must be made to the relevant Magistrates' Court within 21 days of the refusal or decision.

**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.**

# DRAFT

## Vehicle Licence Conditions - Private hire vehicle licences

- 34.1. It is a criminal offence to operate a private hire vehicle in its own licensed district without having a private hire vehicle licence.
- 34.2. 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.
- 34.3. 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.
- 34.4. 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.
- 34.5. 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.
- 34.6. 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.
- 34.7. 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.
- 34.8. 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. Stickers provided by the council must be displayed on both rear passenger doors advising passengers that the vehicle is to be pre-booked only unless the words 'pre-booked' appear on door signs.

## 35. The vehicle

- 35.1. The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a private hire vehicle.
- 35.2. [Subject to the outcome of the consultation text will be inserted here regarding livery and timetable for introduction] The vehicle shall be [of a colour to be determined following the outcome of the consultation / of any colour] and MUST NOT resemble a Hackney Carriage; in particular a 'London type taxi'.
- 35.3. 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.



# DRAFT

- 35.4. Sports saloons, drop head coupes, convertibles or touring cars will not be licensed.
- 35.5. Be no more than **five years old**, at the time the application is made to the council for a licence or when it is replaced.
- 35.6. **Be no more than 10 years old**
- 35.7. If the vehicle is older than five years, presented on first registration or replacement, is an executive chauffeur vehicle with a s75 plate exemption, this condition may be waived. The vehicle must meet the **exceptional quality** conditions and applied for using our exceptional quality waiver application form.
- 35.8. The council may also consider permitting the licensing of a vehicle which is either:
- a) a classic car being over 25 years old at the time of first application, or
  - b) a vintage car being built between 1919 and 1930 inclusive, additional conditions relating to these vehicles may be added to the permit

## **36. The vehicle must:**

- 36.1. at all times throughout the period of licensing be in such a condition so as to comply with all statutory requirements (including the Council's conditions)
- 36.2. have an engine of cubic capacity of which is capable of enough power to carry the amount of passengers it is licensed for including bags/cases.
- 36.3. be a right-hand drive vehicle
- 36.4. have at least four 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.
- 36.5. **be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers**
- 36.6. 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 marked with the vehicle plate number must be present if vehicle is not manufactured with a spare wheel.. Tyres with embedded nails, etc, are not acceptable; they must be replaced, not repaired. The minimum tread depth will be 2mm and wear will be even.**
- 36.7. **if a** 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.
- 36.8. 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 inches to be licensed for three passengers.
- 36.9. not be in excess of 5334mm (210 inches) in length.

# DRAFT

## 37. The proprietor shall:

- 37.1. 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
- 37.2. provide an in date efficient fire extinguisher suitable for use in a motor vehicle, which shall be **safely** 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. A sign **shall** depict where the equipment is kept.
- 37.3. **not allow modifications to be made to the standard factory built vehicle without prior consent of the licensing authority**
- 37.4. **make sure** that every driver employed by him 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.
- 37.5. make sure that there is no smoking or vaping in their licensed vehicle at any time (even when it is not being used for hire or reward). Drivers must ensure that **at least one sign showing the red 'NO SMOKING' symbol prominently displayed**

## 38. Taximeters

38.1. 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 **below**:

**38.2. The vehicle will be fitted with a taximeter that is calendar facilitating. A taximeter must be fitted to all vehicles and it must comply with the following requirements:**

- 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.**
- c) **Must be fitted so that all letters and figures on the meter can be clearly visible to any person travelling in the vehicle;**
- d) **The taximeter must be fixed to the vehicle with seals so that no unauthorised person can alter or tamper with the meter without the seal being broken.**
- e) **Vehicles with improperly sealed meters will not be licensed. The meter must be used for all journeys including those booked through a Private Hire Operator**
- f) A current fare/tariff card as issued by the council showing the full table of hackney carriage fares shall be clearly and visibly displayed within the vehicle at all times. This tariff card must be legible and not

# DRAFT

concealed by the driver.

- g) 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.
- h) The Measuring Instruments (Taximeters) Regulations 2006 applies to all meters fitted.

## 39. Licence plates

39. Every vehicle must have:

- a) the plate issued by the Council displayed securely on the outside rear (and not inside the rear window) unless a s75 exemption has been applied for and granted.

## 40. Passengers

40. Every vehicle must have:

- a) the plate issued by the Council displayed securely on the outside rear (and not inside the rear window);
- b) the label issued by the Council displayed inside and visible to passengers:

## 41. First aid kits

41.1. There shall be provided and maintained in good working order in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings including sterile bandages and plasters that are in date. The kit should be marked with plate or registration number and there should be a sign depicting where the kit is kept within the vehicle.

## 42. Advertisements, signs and notices

42.1. **All** private hire vehicles must display the words 'PRE-BOOKED ONLY' on both sides of the vehicle's front **or** rear doors. This must be in place by the time they present their vehicle for their next vehicle test (not MOT).

42.2. Operators may advertise their own company on their vehicles, providing that the wording is inoffensive and does not include the words 'taxi', 'cab', 'for hire' or similar.

42.3. A sign showing the words 'FOR HIRE' may be affixed to the roof at right angles to the window. The words TAXI or CAB must not be displayed on or above roof height.

42.4. Vehicles with s75 plate exemptions are not included in any of the above.

## 43. Windows

43.1. Glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, which prevent clear vision into vehicle are not permitted. Only factory fitted tinted glass will be acceptable which must meet the requirements of

# DRAFT

the Road Vehicles (Construction and Use) Regulations 1986. Under no circumstances will stick on style tinting be permitted.

## 44. Temporary replacement vehicles

- 44.1. The provision of a temporary replacement vehicle is limited to cases where the original vehicle is unroadworthy and unsuitable for use as a Private hire Vehicle as a result of a non-fault accident. Temporary plates must be secured on the outside rear of the vehicle (not in the rear window)
- 44.2. On such occasions and only these occasions the standard conditions made in relation to the required vehicle livery are waived.
- 44.3. 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).
- 44.4. The replacement vehicle must not have a greater passenger seating capacity than the original vehicle.
- 44.5. Prior to the grant and issue of a temporary private hire vehicle licence the vehicle must be tested and inspected at one of the council's authorised vehicle inspectors' garages.
- 44.6. 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.
- 44.7. 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 Licensing policy and standard conditions.

## 45. Multi passenger vehicles (MPV'S)

- 45.1. This refers to vehicles licensed to carry more than four but less than nine passengers.
- 45.2. The number of passengers which the vehicle is licensed to carry will in all cases be subject to the discretion of the council.
  - a) have an engine of cubic capacity of which is capable of enough power to carry the amount of passengers it is licensed for including bags/cases.
  - 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 passengers to climb over parts of seats or luggage.

# DRAFT

- d) 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.

45.3 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.

## **46. Wheelchair accessibility**

46.1. The council will not normally grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps . In some instances these may be licenced on a case by case basis for private hire vehicles only.

46.2. 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.

46.3. 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.

46.4. The wheelchair user must on request be able to transfer to a vehicle seat.

46.5. The vehicle must display a sign depicting the universally recognised disabled logo on the door where the passenger will be loaded).

## **47. Entry to the vehicle**

47.1. Any doorway used to load wheelchair users must provide adequate height and width to allow passengers to be loaded whilst seated in their wheelchair.

47.2. Any steps, either fixed or retractable, must be permanently secured at the point of entry.

47.3. The surface of all steps must be slip resistant. Step nosing must be designed to a. minimise risk of tripping and must be in a contrasting colour.

47.4. 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.

47.5. Handrails or Handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.

47.6. The surface of every handrail or handhold must contrast in colour from the a. surrounding surfaces and be of a slip resistant finish.

# DRAFT

- 47.7. 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.
- 47.8. 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.
- 47.9. Channel ramps must not be used. However, ramps which fold are permitted
  - a. providing the ramp is rigid when deployed.
- 47.10. The surface of all ramps must have a slip resistant finish.
- 47.11. All outer edges must be clearly marked in a contrasting colour.
- 47.12. Provision must be made for the safe storage of the ramp when not in use.

## **48. Wheelchair within the vehicle**

- 48.1. The wheelchair user must travel in a space designated for that purpose.
- 48.2. 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.
- 48.3. Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- 48.4. All wheelchairs must be securely fastened.
- 48.5. Passengers occupying a wheelchair must be provided with a seat belt.
- 48.6. 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.
- 48.7. Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.
- 48.8. 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 make sure:

- a) That all drivers of such vehicles have an approved DVSA (DSA previously) practical wheelchair accessible 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.

# DRAFT

- 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.

## **49. Trailers**

49.1. Only vehicles licensed by the council to carry 6 7 or 8 passengers are permitted to tow a trailer.

49.2. 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.

49.3. 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 a West Suffolk vehicle testing station for suitability, safety and compliance with all relevant legislation. Fees are payable for each test and inspection .

49.4. Whilst a hackney carriage is towing a trailer it is not permitted to use a hackney carriage rank.

49.5. Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.

49.6. 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.

49.7 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.

49.8 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.

49.9 The maximum gross weight of any trailer shall not exceed 750kg.

## **50. In-car surveillance systems – (CCTV)**

50.1. Vehicle proprietors may install image recording equipment in licensed vehicles and is deemed to be the data controller.

50.2. An approved installer must carry out the installation in accordance with the manufacturer's instruction and the Council's conditions.

50.3. All image recording equipment must comply with the requirements of current data protection legislation. For the purpose of the General Data Protection Regulation, a controller determines the means and purposes of processing personal

# DRAFT

data. For the purpose of the installation and operation of a CCTV system in taxis and private hire cars, the controller will be the holder of the taxi or licensed vehicle licence and not the driver.

- 50.4. The licence holder will be responsible for ensuring compliance with the requirements of Data Protection legislation, including the GDPR, and this policy. The controller is legally responsible for the use of all images including breaches of legislation and where a third party processor is used for the remote storage of personal CCTV data and for which the controller retains full responsibility for the processor's actions.
- 50.5. More information can be found at: <https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>
- 50.6. 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 of the road through the windscreen.
- 50.7. Equipment must be secure and not interfere with the safe operation of the vehicle.
- 50.8. All cameras must be installed above the level of the dashboard within the vehicle.
- 50.9. Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.
- 50.10. There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. Guidance is available with the ICO (Information Commissioners Office). 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.

## **51. Liquid petroleum gas (LPG)**

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

## **52. Vehicle tests and inspections**

52.1. All vehicles must have inspections carried out at an approved vehicle testing station from the list of approved testers supplied by the Council at least twice a year. The first test must be carried out prior to the grant of the Licence (when a Certificate of Compliance will be issued for 6 months) and the second test must be carried out prior to the expiry of the Certificate or Compliance issued on passing the first test. The expiry date of the Certificate of Compliance will be:  six months minus one day from the date of the test (for the first test);  the expiry date of the Licence period (for the second test). The vehicle shall be inspected and tested as follows:



# DRAFT

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

52.2. The taxi test must be carried out at an approved vehicle testing station from the list of approved testers supplied by the council.

52.3. 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 four weeks will be 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 12 months old.**

## 53. Accidents

53.1. 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.

53.2. 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.

## 54. Insurance

54.1. 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 (that is for hire and reward). This shall include third party insurance for personal injuries suffered by passengers.

54.2. 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.

54.3. 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.

## 55. Transfer/replacement of vehicles

55.1. A licensed vehicle with its licence can be transferred from one owner to another. This must be done as a complete transaction for example, the already plated vehicle is transferred completely with its plate from one person to another.

# DRAFT

If the vehicle is sold without its licence, this is not a transfer in terms of licensing, please see vehicle changes/replacements under no. 27 below.

- 55.2. If a vehicle needs to be replaced due to accident damage or test failure, it must be replaced with a vehicle no older than **five years of age**. Exemptions may be applied for as stated in 1(f) above.

## **56. Dual registration**

56.1. 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 West Suffolk Council district.

56.2. 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 West Suffolk Council district, if the council in its absolute discretion thinks fit.

## **57. Licence renewal**

57.1. 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 their private hire vehicle licence. If an application for renewal is not received by the expiry date, the licence will lapse and the vehicle will have to be licensed as a first grant adhering to those conditions. It is a criminal offence to ply for hire in an unlicensed vehicle

## **58. Change of address**

58.1. 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.

## **59. Convictions**

59.1. 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 seven days of conviction.

## **60. Change of address**

60.1. 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.

## **61. Disciplinary code**

61.1. The council has adopted a disciplinary code see Appendix A, which sets out the principles and procedures by which breaches of statutory provisions, or the contravention of any of the council's standard conditions will be dealt with by the council.

## **62. Inspection of licences**

## DRAFT

62.1 The proprietor shall, at the request of the council, produce for inspection the licence either forthwith or at its licensed council district office, beginning with the day following that on which the request is made.

### **63. Section 75(3) Local Government (Miscellaneous Provisions) Act 1976**

63.1. 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.

63.2. 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. Application forms are available from the council.

### **64. Right of appeal**

64.1 Nothing in these conditions will remove the right to appeal to a Magistrates' Court against the Council's refusal to grant or renew a licence, or any decision to suspend or revoke a licence, nor against any conditions which may have been imposed on any such licence by the Council. Any appeal must be made to the relevant Magistrates' Court within 21 days of the refusal or decision.

**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.**

## **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.

### **65. Guidance notes**

- 65.1 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, eight passengers.
- 65.2 An 'American stretch limousine' is a stretch limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
- 65.3 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.
- 65.4 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.
- 65.5 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.
- 65.6 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.
- 65.7 The maximum length of the 'stretch' shall not exceed 120 inches/3048mm.
- 65.8 The council may at its absolute discretion consider licensing vehicles that are left-hand drive (that is the steering wheel being on the near side), have some side-facing seats, and have tinted glass.

## 66. Conditions

66.1. No external fitting will be permitted other than an aerial to receive radio or other transmissions.

66.2. 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.

66.3. 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 West Suffolk 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 West Suffolk Council in relation to private hire vehicle operators licences.

**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).**

# DRAFT

## APPENDIX D - Private Hire Vehicle Operator's Licence

- 1.1. A Private Hire Operator (PHO) licence is required to take bookings and dispatch private hire vehicles to customers. Licences are issued to an individual/individuals and are specific for the address of a licenced private hire office. The licences are not transferable to individuals or companies or to alternative address. All bookings taken for private hire vehicles must be done through their licenced PHO booking office, known as the 'operating base'. PHO booking offices can operate from either home addresses or public offices.
- 1.2. Operators must ensure that the drivers they utilise are fit and proper to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness.
- 1.3. If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 1.4. Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 1.5. It is not expected that subcontracting of bookings would be common place. Customers who book through a West Suffolk operator would expect a vehicle and driver also licensed by this authority. The conditions and standards applied by this authority may be of a higher standard than some other local authorities, as such the subcontracted vehicle and driver may not meet the customer's expectations.
- 1.6. The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.
- 1.7. Operators need to be aware of their obligations when it comes to data protection. Where data bases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioners Office (ICO). Further information including a self-assessment, can be found on the following links;

<https://ico.org.uk/for-organisations/register/>

<https://ico.org.uk/for-organisations/register/self-assessment/>

<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

# DRAFT

1.8. Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise. Those who provide a waiting area for clients must ensure that they have valid public liability insurance.

1.9. To operate a private hire taxi company, you'll need to apply for planning permission to ensure that if your business is run from home, it will not cause nuisance or obstruction to your neighbours.

## 2. The Application Process

2.1. All applicants, existing licence holders, part owners or other persons with an interest in and Operator's Licence are required to show that they are fit and proper persons to hold such a licence.

2.2. Hackney Carriage / Private Hire Vehicle drivers licensed with the Council are not required to undergo an additional Disclosure Barring Service check in order to apply for an operator's licence. Operator licence holders must be subscribed to the DBS Online Update Service and when applying for a new operator licence or the renewal of an existing operator licence. The Council will check the status of DBS records online as part of the application process.

## 3. Disclosure and Barring Service (DBS)

3.1. Applicants for an operator licence who do not hold a Hackney Carriage / Private Hire Drivers licence issued by Council will be required to submit a Standard DBS Certificate as part of the application.

3.2. The DBS has now introduced an update service, to which you are required to subscribe: <https://www.gov.uk/government/news/disclosure-and-barring-service-update-service-now-available>. For more guidance on the update service, and how to apply, follow this link: <https://www.gov.uk/government/publications/dbs-update-service-applicant-guide>

3.3. If you subscribe to the update service then please bring along your **original DBS certificate**. The council will then be able to check your status on line free of charge.

3.4. If you do not subscribe to the DBS update service a DBS certificate can be obtained from GB Group by following the instructions below.

## 4. Registration with GB Group

4.1. To be able to Sign In and complete the disclosure application, you first need to register at - <https://gbg.onlinedisclosures.co.uk/Registration/Registration>

To self-register use the following: **PIN**

**Secret Word**

West Suffolk Council Drive 168952

4.2. You will be sent an activation email, follow the instructions in the email to create your password.

# DRAFT

4.3. Now you will be able sign in whenever you like and complete your DBS application online. You will then be required to subscribe to the DBS update service.

4.4. If you already hold an operator licence and your licence is due for renewal the renewal date will appear on the paper counter part of the licence; you will not receive a separate reminder. Please allow sufficient time before expiry when booking your appointment with the Council leaving it to the latter part of the month may result in your application not being processed in time. It is the licence holder's responsibility to apply to renew a licence in time. Failure to renew in time could result in your business ceasing to operate until such time as the new licence is granted.

4.5. If you are a new operator wishing to apply for a licence to operate Private Hire vehicles, please visit [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk) to download an application form.

4.6. Applicants for an operator licence must complete in full the relevant application form and make an appointment with the Council.

4.7. Payment for the application must be made at the time of submitting the application and supporting documentation. A receipt will be provided.

No application will be progressed until:

- The application is completed in full
- Either a Standard Disclosure Barring Certificate is provided or confirmation that the applicant is subscribed to the DBS Update Service
- A full list of all vehicles you intend to operate
- Proof of identity – a passport or driving licence photocard
- Proof of National Insurance number
- Proof of right to work in the UK
- Public liability insurance
- Please note that as part of the application process the Council's licensing team will consult the Council's planning team. The planning team has 14 days in which to make any comments in respect of the application.

## 5. Conditions

5.1. Private Hire Vehicle operators must keep records in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Prior to the commencement of each journey, the operator (or in his/her absence, a responsible member of staff) shall record details of every private hire booking made. The following information shall be recorded in an easily retrievable method (page numbered written log in a bound book or computer database) before the commencement of each journey which enables examination and audit. Records to be kept shall include the following:

- The date and time of receipt of each booking
- How the booking was received, that is, telephone or personal call
- Location and time of the time of the pick up point
- Destination
- The fare quoted for the booking



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- The name of the hirer
- Contact details of hirer (address and/or phone number)
- Date and time a driver was allocated the booking
- Identity of the driver and vehicle including the private hire licence plate number of the vehicle allocated the booking.

The records shall be kept for at least three years. The records shall be produced, on request, to any police officer or authorised officer of the Council. Where a computerised system with GPS tracking is installed- and where the software allows this function – it must be used to indicate where a vehicle is at any given time. In addition, a printed plot of a vehicles movements must be made available on request.

5.2. An operator shall maintain at his premises details of all vehicles operated by him/her, which shall include the following:

- Vehicle details
- Make and model
- Vehicle owner
- Council plate number
- vehicle registration number
- Fleet number/call sign (if issued). If a call sign is allocated for a temporary period, a record must be kept of the relevant dates and the vehicle and driver.
- 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)
- Copy of the vehicle licence
- Copy of the insurance certificate/cover note
- Copy of the vehicles most recent MOT certificate.

In all cases, all records must be kept for at least three years and made available on request to any authorised officer of the council or Police officer.

5.3. The operator's licence must be held with the council in whose area the operator has the office, or home address in the case of an owner-driver. Anyone who wishes to operate in more than one area is required to hold an operator's licence with the local authority in each of those areas. 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.

5.4. 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.

## 6. Standard of Service

6.1. The operator must at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that: -

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(a) when a vehicle has been hired to attend at an appointed time and place, the vehicle shall attend punctually unless delayed or prevented by sufficient cause. Where possible, the operator should contact the customer and inform him/ her of any delay;

(b) premises provided by the operator, either for waiting or booking, shall be kept clean, adequately heated, ventilated and well lit with adequate seating provided;

(c) any telephone facilities and radio equipment are maintained in a sound condition;

(d) any complaints received by the operator shall be referred in writing to the Council, together with any action taken;

(e) the operator shall ensure, without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 that all vehicles and drivers owned, controlled or operated in association with the operator shall observe and perform the conditions of their licence;

(f) all vehicles operated by the operator shall be maintained in a satisfactory and road worthy condition;

**Additionally:-**

(g) the Council will hold the owner and / or operator of a Private Hire Vehicle responsible for the general condition and roadworthiness of the vehicle(s), and for ensuring that drivers are familiar with all conditions, legislation and byelaws regulating the operation of vehicles;

(h) in certain instances therefore the owner and / or operator may be subject to enforcement action as a result of an offence committed by the driver of their vehicle;

(i) the Council will take into account the circumstances of any offence and the compliance of the owner and / or operator with their obligations in deciding the action, if any, which should be taken against the owner and / or operator.

6.2. It is the operator's responsibility to 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. Insurance**

7.1. The operator must keep a copy of all cover notes and certificates of insurance issued to the drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the operator. When a "block" policy is held by the operator, a full list of all vehicles and drivers covered should be kept for at least one year. The insurance document should show:

(a) name and address of insurance company (and broker if applicable) insuring the use of the vehicle;

(b) date of commencement of any policy of insurance and of any cover notes issued with policy and cover note numbers relating to the use of the vehicle;

(c) date of expiry of the policy and of any cover notes issued;

# DRAFT

(d) persons entitled under the terms of the policy to drive the vehicle and details of any limitations as to use (e.g. private hire or public hire).

7.2. Change of address (including any address from which an operator conducts their business), full details must be notified to the council within seven days of such a change taking place.

7.3. The operator shall within seven days disclose to the council in writing full details of any conviction imposed on him/her during the period of the licence.

## 8. Door Signs/Advertisements

8.1. 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' or 'cab'.

8.2. The operator shall not cause or permit any driver of a licensed vehicle to park the vehicle on any hackney carriage rank for any reason or stand or ply for hire or offer the vehicle for immediate hire while he/she or that Vehicle is on a road or other public place.

8.3. Should an operator wish to provide drivers/proprietors with door advertising panels (other than those issued by the Council) the below procedure must be followed:

(a) the sign must be approved by an Authorised Licensing Officer before being put into use;

(b) the sign must be displayed on both front doors of the vehicle;

(c) the sign may contain the name of the company and the telephone number but must incorporate the words, 'West Suffolk Council. Private Hire Vehicle. This vehicle must be pre-booked.'

(d) the sign must not show the word 'TAXI' or nor any other word of similar meaning or appearance which may be taken to indicate that the vehicle is a Hackney Carriage. provide drivers with door advertising panels other than our approved ones.

8.4. In relation to condition Xd) above, each operator shall keep a record of all complaints made to him/her or his/her agents or managers in a Council approved bound book or computerised system relative to any aspect of the operators business or persons at that time working with or employed by that operator. The complaints book shall be kept for a period of 3 years and shall be produced, on request, to any police officer or authorised officer of the Council.

**Note: The council may suspend, revoke or refuser to renew the operator's licence if any of these conditions are not complied with.**

# DRAFT

## APPENDIX E - 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 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
  - d. a simple caution
  - e. suspension or revocation of licence
  - f. 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 or higher in accordance with the scheme.
6. Where it is suspected that a licensee has breached statutory provisions, 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 for the council, the licensee will be given 14 days in which to appeal in writing to the council's Assistant Director 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.

# DRAFT

9. Where a licensee incurs 12 penalty points or more in any three year period the matter will be reported to the Licensing and Regulatory Sub-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 zero 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 and Regulatory Sub-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 and Regulatory Sub-Committee could result in suspension, revocation or refusal to renew a licence. The Licensing and Regulatory Sub-Committee may consider the driver to complete the Level 2 Certificate in Taxi/Private Hire Driving.
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?

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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 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 private hire/hackney carriage

<b>Basis of offence</b>	<b>Penalty points awarded</b>
Any action which invalidates the insurance cover for the vehicle	8
Carrying more passengers than the vehicle is licensed for	8
Failure to wear a driver's badge	3
Failure to disclose a driving conviction within seven days	4
Failure to notify change of details, for example address within seven days	2
Smoking/vaping or evidence of smoking/vaping in a vehicle	6
Failure to produce documents when requested	6
Failure to behave in a civil and orderly manner (including rude or aggressive behaviour towards the public or council staff)	6
Breach of any condition not specified above	6-12

# DRAFT

## Group 2

### Penalty points system relating to private hire/hackney carriage

<b>Basis of offence</b>	<b>Penalty points awarded</b>	<b>Person responsible</b>
Failure to display identification plates correctly	6	Driver/proprietor
Failure to display fare tariff correctly (hackney carriage only)	4	Driver/proprietor
Failure to display interior label correctly	4	Driver/proprietor
Incorrect meter tariffs	5	Proprietor
Failure to report accident/damage to the vehicle within 72 hours	3	Proprietor
Failure to carry an in date fire extinguisher or carry in an unsafe/dangerous condition	3	Driver/proprietor
Failure to present the vehicle for inspection on request	3	Driver/proprietor
Failure to carry vehicle/driver conditions	2	Driver/proprietor
Failure to maintain a clean and tidy vehicle	4	Driver/proprietor
Failure to notify change of address within seven days	3	Proprietor
Breach of any condition not specified above	3/6	Driver/proprietor

## Group 3

### Penalty points system relating to private hire vehicle operators

<b>Basis of offence</b>	<b>Penalty points awarded</b>
Failure to produce or allow inspection of any records	6
Failure to keep records of bookings in the prescribed form	5
Failure to keep vehicle records	4
Failure to keep driver records	4
Failure to notify any conviction/formal caution	4
Failure to notify a change of operation address within seven days	3
Breach of any condition not specified above	2/6

# DRAFT

## **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
- e) a failure to behave in a civil, orderly, seemly and courteous manner
- f) failure to assist any passenger
- g) 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 Assistant Director of Planning and Regulatory Services. Persistent breaches could result in the revocation of the licence and or prosecution under relevant legislation.