



**BOROUGH OF
BROXBOURNE**
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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

CONSULTATION DRAFT

Comments on the consultation draft must be received by midnight on Monday 14 February 2022.

They can be made by email to taxi@broxbourne.gov.uk or in writing to:

Licensing Office, Support Services, Borough of Broxbourne, Borough Offices,
Bishops' College, Churchgate, Cheshunt, Herts EN8 9XQ

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INTRODUCTORY POLICY STATEMENT

Powers and Duties

This Statement of Licensing Policy (the “Policy”) is prepared pursuant to the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, as amended and the Policing and Crime Act 2017 which places on the Borough of Broxbourne (“the Council”) the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles. The Policy complies with the requirements of the Statutory Taxi and Private Hire Vehicle Standards (Department of Transport 2020) and the Borough of Broxbourne Hackney Carriage Bylaws.

The aim of the Policy is to regulate the hackney carriage and private hire trade in order to meet the objectives of ensuring public safety and providing an efficient and effective hackney carriage and private hire service in the Borough.

Departure from the Policy

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy document and the objectives set out therein.

Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. However it is likely that departures from the Policy will be restricted to exceptional circumstances, not to circumvent the reasonable requirements of the Policy.

Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Head of Environmental Health and Licensing, or an officer nominated by them, may authorise a licence to be issued.

Policy Duration and Amendment

This Policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice.

Administrative amendments to this Policy (required by virtue of legislative changes, revised statutory guidance or administrative procedural changes) without the requirement for Council approval may be made. Such amendments will be limited to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of the Policy.

In the event of any significant amendment to the Policy, public consultation will be undertaken prior to consideration by the Council, which may amend the Policy as it deems appropriate.

A significant amendment is defined as one that:

- will have significant financial impact on applicants, licence holders or the public
- will have a significant procedural impact on applicants, licence holders or the public
- may not be perceived by the trade or the public to be consistent with the policy objectives outlined above.

Policy Application

The Policy will be used as a basis for the licensing of operators, drivers and vehicles and the administration and enforcement of its provisions which will be summarised in a handbook.

PART 1 – DRIVERS

Licences

The statutory and practical criteria and qualifications for a hackney carriage or a private hire driver are broadly identical. The sections below, therefore, apply equally to private hire and hackney carriage drivers unless otherwise stated.

The Council requires that separate driver licences be ordinarily held in respect of hackney carriage and private hire vehicles. The Council will offer drivers of either discipline the other type of driver licence (known as a 'dual licence') for an administrative cost only, providing all licensing requirements are satisfied.

The Council also offers a Restricted Private Hire Licence primarily for those wishing to drive limousines or larger vehicles used for school contract work. A restricted private hire driver can only drive for the operator named on their licence. The licence cannot be transferred between operators.

Applicants are not permitted to drive a licensed vehicle until the application has been fully completed and a licence issued.

Applications

Application for a Hackney Carriage/Private Hire Driver's Licence must be made on the Council's official form and all questions fully answered.

Age and experience

Applicants for a licence must be over 21 years of age.

A licence will not be granted to anyone who has not held a full driving licence for a period of at least three years immediately prior to the application.

Fit and proper

The Council has a duty to ensure that any person to whom it grants a hackney carriage or private hire driver's licence is a 'fit and proper' person to be licensed. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities the answer to the question is 'no', the individual should not hold a licence. (Statutory Taxi and Private Hire Vehicle Standards 2020)

The overriding consideration will be safeguarding the public. Accordingly, as required by the Statutory Taxi and Private Hire Vehicle Standards 2020:

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of the doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Driver Knowledge Tests

Hackney carriage drivers clearly need a good working knowledge of the Borough because hackney carriages can be hired immediately, directly with the driver at ranks or on the street. In order to determine fitness to hold a licence, applicants for a hackney carriage driver's licence are required to undertake a knowledge assessment test based on local geography, in addition to any other requirements the Council may prescribe from time to time such as landmarks, licence conditions, highway code, customer service, driver safety, simple maths etc.

The Council recognises that private hire drivers also require a working knowledge of the Borough as a whole. However, as private hire vehicles must be pre-booked, the Council acknowledges that the same instant knowledge is not required as there would be an opportunity to research the required route, so applicants will not be tested on landmarks of the Borough.

New drivers may complete the test up to 6 months before a licence is issued.

If the licence application has not been completed within the 6 months, then a further knowledge test pass will be required.

All applicants must pass a knowledge test with a provider prescribed by the Council. The cost of the test is at the expense of the applicant.

Applicants taking the test must not receive assistance from a third party. Strict conditions about the behaviour of applicants is considered essential. The test is not

only a test of knowledge but also a test of character. Being 'fit and proper' to hold a licence means being honest at all times. This means applicants will automatically fail their test if their behaviour is considered inappropriate during the test or if there is any evidence of cheating. Cheating in this context includes, but is not limited to, copying another applicant's answers, disruptive behaviour during the test, utilising any non-permitted papers or devices or otherwise trying to gain an improper advantage. This behaviour will also form part of the consideration of any grant of a licence should the applicant re-apply at a later date.

Driving Proficiency and Qualifications

All applicants for a licence must pass a Driving Standards Agency Test Assessment from a provider prescribed by the Council. The cost of the assessment is at the expense of the applicant.

If a licensing officer/enforcement officer, when considering enforcement action related to driving standards decides that a licence holder's driving standard calls into question their ability to remain a licensed driver, they may require the driver to pass a further driving assessment.

English Language Requirements

The completion of the knowledge assessment test and the method of testing ensures that English language competency is assessed as part of the process. Should the Council receive complaints/concerns regarding a driver's ability to understand/converse in English the right is reserved to require a driver to sit an English language test with a provider prescribed by the Council at the driver's own cost. If the test is not passed, then this can lead to suspension of the driver's licence.

DVLA Licence Checking

In order to ensure that the Council has a driver's complete driving history, to enable a fully informed decision to be made in respect of an application, the Council may check the DVLA database for all new and renewal driver applications. Applicants and existing drivers will be required to give their consent for this check to be undertaken.

Any anomalies between the DVLA record and the applicant's driving licence, or that of an existing driver, will be brought to the attention of the DVLA and the Police.

The Council will also require applicants to sign a consent form to enable similar checks to be undertaken during the period of their licence if their application is successful.

These checks will be carried out at regular intervals, which will be at least annually, or more frequently if the Council receives information that gives rise to a concern about a driver.

Applicants for a licence will be required to give their consent for such a check to be undertaken by the Council upon application for a licence and for the duration of any subsequent licence granted.

Medical Assessment

In order to meet the Council's public safety licensing objective it will be a requirement, upon application, to produce a medical assessment from a registered medical practitioner confirming the applicant's fitness. This must be on the Council's prescribed medical assessment form.

Alternative medical forms will not be accepted.

Licensed drivers must produce a further medical assessment every 5 years, or at a shorter period where recommended by the medical practitioner, until they reach 65 years of age whereupon medical assessments will be required annually.

The medical assessment required by this section must:

- be completed using the Council's prescribed medical form,
- be completed by the applicant's GP, a member of the applicant's GP's surgery, or a GP having access to the applicant's full medical history,
- be less than three months' old at the licence start date for new applicants
- contain an assessment of fitness to drive based on the DVLA Group 2 Medical Standards for Vocational Drivers.

Applicants and licence holders will be responsible for paying any fee for the examination to the relevant surgery. On completion of the examination, the assessment must be submitted confidentially to the Council accompanied by any relevant supporting documentation.

Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonably practicable, however this list is not exhaustive:

- any heart-related condition
- any eyesight related condition
- diabetes (Type 1 or Type 2)
- epilepsy
- sudden attacks of giddiness or fainting
- conditions causing excessive daytime sleepiness such as sleep apnoea
- alcohol or drug dependency
- mental or psychological disorders
- any other condition that may affect the ability to drive

Where there is any doubt as to the medical fitness of the applicant, or a currently licensed driver, the Council may require a further medical assessment to be undertaken by a GP appointed by the Council at the applicant's or licensed driver's own expense.

Following inspection of the original medical assessment it will be returned to the applicant or licensed driver.

Disclosure and Barring Service (DBS) Disclosures

A DBS check on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence. Therefore an Enhanced Disclosure provided by the Disclosure and Barring Service is required by all applicants. The Council will also carry out a check against the national barred lists for each new or renewal application.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences. Therefore applicants are required to disclose all convictions, including those that would normally be regarded as spent.

Before an application for a driver's licence will be considered, the applicant must provide a current (less than three months old) Enhanced DBS Disclosure. The only exception would be where an applicant has registered with the DBS for the online checking service and the Council has seen the latest Enhanced DBS to which the online check refers.

It is a requirement that all drivers register with the DBS online checking service and maintain registration throughout the period of their licence by paying the annual registration fee. This allows the Council to undertake periodic checks throughout the licence period, and on renewal, to ensure that the applicant/licence holder continues to meet the 'fit and proper' person test. Drivers first licensed will be required to join the DBS update service from the time their DBS is required to be renewed and provided to the Council.

When performing an online check, if the Council establishes that there has been a change to the DBS that has not been notified to the Council, the driver will be automatically suspended until such time as they register with the online checking system and a new DBS has been obtained and provided to the Council.

When performing an online check, if the Council establishes that the online registration has not been maintained, the driver will be automatically suspended until such time as a new DBS has been obtained and the driver has registered with the online checking service.

In the case of applicants who have resided outside the UK after they were an adult, a Certificate of Good Conduct will be required from the relevant embassy in addition to an Enhanced DBS Disclosure covering their time in the UK. All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.

The Council is bound by rules of confidentiality and will not divulge information obtained to any third party. The applicant for a DBS certificate will be sent a certificate to their home address and will need to provide the certificate to the Council which does not receive a copy. No information from the DBS certificate will be retained by the Council. However, periodic online checks will be made by the Council during the licence period.

For drivers that were licensed prior to this policy, but have one or more of the convictions set out in Appendix A that fall within the time frames listed, when their next DBS certificate is received the driver may need to be referred to the Council's Licensing Applications Sub-Committee. The Sub-Committee will review the circumstances and determine whether the driver can continue to hold a licence.

Where there are exceptional, clear and compelling reasons to deviate from policy, the Council will consider doing so and record the reasons for any deviation from the policy when considering cases of this type.

The driver will remain licensed until the process is completed.

NR3 Database

The Local Government Association has commissioned a National Register of Taxi Licence Refusals and Revocations (NR3). The register is hosted by the National Anti-Fraud Network (NAFN). The intention of NR3 is to prevent drivers who have had a hackney carriage or private hire driver's licence revoked, or an application for one refused, applying to another local authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in the hackney carriage and private hire trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver's licence revoked, or an application for one refused.

From 1 April 2022:

- applications for new hackney carriage/private hire licences and for renewals will be checked on the NR3; and
- where an existing licence is revoked, or an application for the renewal of a licence or a new licence is refused, the details will be recorded on NR3.

The Council will also add historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of 25 years. Any relevant data entered onto NR3 which relates to existing licence holders may be considered as part of the future renewal process.

The information recorded on NR3 will be limited to an applicant's or a licensed driver's:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- the date of the decision
- the date decision was effective
- Information will be retained on NR3 for 25 years.

Tax Conditionality

From 4 April 2022, licensing authorities must carry out checks on license applications from individuals, companies and any type of partnership to make sure they are aware of their tax responsibilities or they have completed a tax check.

The Council will not be able to grant or renew a license if the applicant has not confirmed they are aware of their tax responsibilities.

Relevance of Convictions and Cautions

In relation to the consideration of convictions and cautions recorded against applicants for a licence and existing licence holders, the Council will adopt the guidelines set out in Appendix A of this Policy in conjunction with applying the 'fit and proper' test principle also outlined in that appendix.

Safeguarding and Disability Training

The Council acknowledges the importance of safeguarding training for all licensed drivers regarding vulnerable adults and children as they are in a position to witness potential victims of abuse or exploitation.

The Council also acknowledges the importance of disability awareness training to create an accessible and inclusive industry.

It will be a mandatory requirement therefore for every licensed hackney carriage and private hire driver to attend safeguarding and disability awareness training delivered from a provider prescribed by the Council.

All drivers will be required to undertake the mandatory training as part of a new licence application process, or the renewal of an existing licence.

To introduce this requirement all existing licensed drivers will be required to attend safeguarding and disability awareness training up to 3 months before the renewal of an existing driver's licence.

Existing drivers that fail to attend the training in accordance with the Policy will have their licence suspended or renewal delayed until the training has been completed.

After the initial training has been completed, drivers will be required to undertake safeguarding training on a 6 yearly basis.

The undertaking of the training will be at the cost of the applicant and existing licensed drivers.

Existing drivers are required to attend refresher training on safeguarding every 6 years after their initial safeguarding training. They will be required to undergo a test following attendance at the refresher training.

Right to Work

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work.

The law requires that the Council check an applicant's right to work before a licence is issued. The Home Office has published guidance on conducting immigration checks for hackney carriage and private hire licensing, which also includes details of what documents can be accepted to prove a person's immigration status, and for how long licences may be granted.

If a person is on a time limited visa, any licence which may be issued will expire when the visa expires.

In the case of a person with a pending application for a visa or leave to remain, including renewals of such documents or permission, any licence which may be granted will only be issued for a period of 6 months.

If, at any time a person's entitlement to work in the UK is removed, any licence held will be revoked.

New Applicants

Any driver application that is not completed within 12 months will be treated as withdrawn.

Duration of Licences

Hackney carriage and private hire driver licences will be granted for a period of three years. The Council retains the right to issue licences for a shorter period in exceptional circumstances where it is deemed appropriate.

A reminder will be sent to licence holders before their licence expires in order to assist them to submit their renewal application in a timely manner. The Council is not obliged to do this and the responsibility for ensuring that a licence does not expire remains with the licence holder. Applicants must therefore allow adequate time for the processing of any renewal applications.

Assisting Passengers with Vision Impairment

Blind or partially-sighted passengers have particular needs that drivers should be aware of when they make a hiring. When collecting a passenger from a pre-booked location, the driver should let the passenger know personally when they arrive. The driver should let the passenger know what sort of car they are entering (especially if they are not getting into an ordinary saloon or estate car).

The driver should let visually impaired passengers know which way the doors open. The driver should place the passenger's hand on the open door and the other where

the roof is. The driver should make sure that the passenger knows which way the car is facing so they can get in easily. The driver may have to tell the passenger or help them with their seatbelt.

At the end of the journey the driver should tell the passenger exactly how much the fare is and count out the change. Every customer must be set down in a safe place, and drivers should check that blind customers know where they are going. If the passenger asks to be accompanied into a building, the driver should offer their arm. Gripping the passenger just above the elbow will help them to be guided more easily.

Assistance Dogs

Since 2001 licensed hackney carriage and private hire drivers are required to carry guide, hearing and certain other assistance dogs accompanying disabled people, and to do so without any additional charge. The dog must be allowed to remain with the passenger. Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt that person from this condition. Any expenses incurred in obtaining this certificate will be paid for by the applicant.

Driver's Badges

A driver's badge issued by the Council must be worn in such a position and manner that it can clearly be seen at all times. Badges remain the property of the Council.

Payments

The Council is able to accept payment by debit or credit card. It is not able to accept cash payments, save for exceptional circumstances.

Refunds and Duplicate Copies

In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, no refund will be issued.

Where the Council receives a request for a duplicate copy of any previously issued licence, the charge for this, as set out the Council's current fees and charges schedule, will be levied to cover the associated administrative costs.

PART 2 – VEHICLES

Types of Vehicle Licences

There are four types of vehicle licences that can be driven by appropriately licensed drivers.

Hackney Carriage Vehicle Licence

Hackney carriages are public transport vehicles which are licensed to 'ply for hire'.

They can:

- carry passengers for hire or reward
- be hailed by prospective passengers in the street; and
- park on a rank within the Borough to await the approach of passengers

A licence granted by the Council only covers plying for hire within the geographical area of the Borough of Broxbourne.

The Council currently has no limit on the number of hackney carriages which may be licensed within the Borough and would not consider introducing one unless evidence of over supply can be demonstrated. The cost of any survey to establish supply levels would need to be borne by the existing licence holders through an increase in the licence fee structure.

Private Hire Vehicle Licence

Private hire vehicles cannot ply for hire or stand on a rank. All journeys must be pre-booked via a Broxbourne licensed operator.

No powers exist for licensing authorities to limit the number of private hire vehicles that are licensed.

Private Hire Executive Vehicle Licence

Executive vehicles and the drivers usually offer a chauffeur service. Drivers undertake mainly contract work with regular business customers.

Special Events Vehicle Licence

These are usually stretch limousines. The use generally includes all private hire work plus special event occasions.

Vehicle Specifications and Conditions

Licensing authorities have a wide range of discretion over the types of vehicle that they can license as hackney carriages or private hire vehicles. The Best Practice Guidance (Department of Transport 2010) suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to hackney carriage and private hire vehicles. Hackney carriages and private hire vehicles provide a necessary service to the public and therefore it is appropriate to set standards for the external and internal condition of these vehicles, provided that the standards are reasonable and proportionate.

Set out below are the Council's minimum standards of vehicle specification which apply in respect of all licensed vehicles. This specification will need to be met prior to being licensing and maintained throughout the duration of the licence. This will be

achieved by attaching the following licence condition to all hackney carriage and private hire vehicle licences:

“This licence is granted subject to compliance with the Council’s Hackney Carriage and Private Hire Licensing Policy vehicle specification requirements (Part 2 of the Policy) throughout the duration of the licence period.”

Wheelchair Accessible Vehicles

The Council is aware of its duty under the Equality Act 2010 to ensure that there is sufficient provision of wheelchair accessible hackney carriages and private hire vehicles. It is equally aware that many persons that travel in wheelchairs prefer to travel in a saloon vehicle as opposed to a purpose-built wheelchair accessible vehicle.

Legislation to enable councils, as local licensing authorities, to make lists of wheelchair accessible vehicles and require drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibit any additional charging to do so. Sections 165 and 167 of the Equality Act 2010 have been introduced to ensure that transport works for everyone including disabled people.

Listed vehicles must be capable of carrying some – but not necessarily all-types - of occupied wheelchairs. The ‘reference wheelchair’ for listing is as follows:

Height (including a passenger)	1350mm
Width	700mm
Length	1200mm

This means that a wheelchair of the size specified should be able to enter, leave and travel in the passenger compartment in safety and reasonable comfort with the passenger seated in their wheelchair.

To ensure adequate provision, the Council will endeavour to ensure that a suitable percentage of the licensed vehicles are purpose-built wheelchair accessible vehicles and that all other vehicles have sufficient space to carry a folding wheelchair.

Reduced Licence Fees

The Council encourages the use of cleaner, low emission vehicles as hackney carriages or private hire vehicles. The Council offer a reduced licence fee for electric or hybrid vehicles to encourage vehicle owners to consider changing to cleaner fuels.

The Council offers a reduced licence fee for wheelchair accessible vehicles. To be eligible for the reduced fee the vehicle must be available for hire to the general public on request. If a wheelchair accessible vehicle is only used for fixed contracts and not available for general hire then it would not be eligible for the reduced fee.

All Vehicles

All hackney carriage and private hire vehicles must:

- be capable of carrying not less than four nor more than eight passengers in addition to the driver,
- have no damage affecting the structural safety of the vehicle,
- not have been written off for insurance purposes at any time,
- have sufficient means by which any passenger in the vehicle may communicate directly with the driver,
- be maintained in sound and roadworthy condition at all times, and
- be serviced in accordance with manufacturers' recommendations.

Vehicle Type

Left-hand drive vehicles will not be considered suitable for licensing, save for stretched limousines which will be subject to the specification requirements detailed in the Policy below – Special Events Vehicles. This is to ensure that passengers travelling in the front passenger seat are able to exit the vehicle directly onto the footway rather than directly into the carriageway.

Security/CCTV

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available.

Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent. However, mandatory CCTV is not a requirement as the Council considers this is a matter best left to the judgement of the operators and drivers. If CCTV is installed in a vehicle it will be incumbent upon the operator/driver to handle the relevant data gathered in an appropriate and secure manner.

The installation and operation of any CCTV system provided needs to comply with the requirements of the Information Commissioner's CCTV Code of Practice which can be viewed via the following link;

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

Protective Screens

For reasons of driver personal safety, or during a national emergency, such as a public health pandemic, the use of protective screens between the driver and passengers can be provided. The following is a link to the latest government guidance;

<https://www.gov.uk/government/publications/coronavirus-covid-19-safety-screens-for-taxis-and-phvs/coronavirus-covid-19-safety-screens-for-taxis-and-phvs>

Licensed drivers are required to notify the Council in writing if a screen is fitted to their vehicle.

Where a screen is installed, proof is required to be provided by the licensed driver that the screen complies with the conditions of the vehicle's certificate of insurance.

Hackney Carriage Vehicles

The following section of this policy applies specifically to hackney carriage vehicle except where stated.

Maximum Age of Vehicles

The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not license vehicles may be arbitrary and disproportionate. The limits set by the Council are considered necessary and proportionate to promote public safety and the other objectives of this Policy. However it is accepted that a greater frequency of testing may be appropriate for older vehicles.

When first licensed by the Council, all vehicles must be less than five years old from the date of first registration. For a 'London' type taxi' the vehicle shall be less than ten years of age from the date of first registration.

Hackney carriages may be licensed until such time that the vehicle cannot comply with the Council's testing requirements.

Signage

Hackney carriage vehicles must be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign. The sign may display either:

- the word "TAXI",
- the words "FOR HIRE", or
- any combination of the above

The roof sign and lettering shall be of an appropriate size to enable it to be clearly identifiable to the public.

The mounted roof sign or built-in roof sign must be switched off when the vehicle has been hired and illuminated when available for hire.

An internal "FOR HIRE" sign may be fitted in licensed hackney carriages but must comply with the above requirements with respect to illumination.

Licence Plates

For the avoidance of doubt, a licensed vehicle is always a licensed vehicle including when being used for private purposes. At all times when a vehicle is licensed as a hackney carriage, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the

vehicle. Plates attached by magnets must not be removed when the licensed driver is not working at any time, save for when parked overnight outside the driver's home.

The licence plates must be clearly identifiable and legible to the public at all times.

Dual Plating

The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another licensing authority. If the vehicle has been previously been licensed by another authority then proof of delicensing may be required.

Inspection

All hackney carriage and private hire vehicles must be available for inspection, at any location within the Borough, at all times when requested by an authorised officer of the Council or a police officer.

All vehicle documentation must be produced within twenty four hours, or such other time as specified, when requested by an authorised officer of the Council or a police officer.

Unauthorised Use

The proprietor of a hackney carriage vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current hackney carriage driver's licence issued by the Council.

For the avoidance of doubt, case law has established that once licensed as a hackney carriage or private hire vehicle, the vehicle remains a licensed vehicle at all times until the licence expires, is surrendered, is suspended or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a licence plate, complying with all requirements of this Policy and being driven by a licensed driver.

Livery

The Council believes that the requirements of this Policy ensure that hackney carriages and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery.

Meters

An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

The taximeter shall be positioned so that the display on the face of the meter is clearly visible to any person being conveyed in the vehicle at all times. The dial of the

taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.

When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

An official copy of the Council's fare tariff must be securely attached and displayed on the dash board in front of the passenger seat at all times. The official fare tariff document will be provided to individual hackney carriage drivers when a grant or renewal of a plate is completed. It is the driver's responsibility to ensure the tariff is displayed and is visible to passengers.

The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by the Council as the fare tariff for the hire of hackney carriages. For the avoidance of doubt, the taximeter should not be started until the passenger is in the vehicle ready to commence the journey.

In the event of such a journey commencing in but ending outside the Borough, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council as the fare tariff for the hire of hackney carriages.

On occasions a journey will commence during one tariff period and end within another tariff period. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

Maintenance and Condition of the Vehicle

The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:

- be free of large and/or sharp-edged dents,
- be free of visible rust,
- be free of unrepaired accident damage,
- have uniform paintwork equivalent to that applied by the manufacturer,
- be maintained in an acceptable state of cleanliness, and
- have the bumpers and all trims secured and aligned.

The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

- be free of all stains to the upholstery,
- be free of all splits and tears to the seats,
- be maintained in an acceptable state of cleanliness,
- provide seats functioning in accordance with the original manufacturers' specification, and

- have the boot or luggage compartment empty; except for the spare wheel and essential tools

For the avoidance of doubt, any vehicle that would not pass a Certificate of Compliance inspection or a MOT must not be used until such time as the requirements of the Certificate of Compliance and/or MOT testing can be met.

Disabled Access

In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle should ordinarily ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefers vehicles to be loaded from the side it is aware that rear-loading vehicles better suit certain types of motorised wheelchair, therefore each vehicle will be assessed on its own merits.

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
- internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
- a suitable restraint must be available for the occupant of a wheelchair,
- access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
- ramps and lifts must be securely stored in the vehicle before it may move off, and
- access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.

Further details regarding Wheelchair Accessible Vehicles is set out in page 14 above.

Seat Belts

(a) Drivers

Hackney carriage drivers are exempt from wearing a seat belt whilst seeking hire, answering a call for hire or carrying a passenger for hire. A seat belt must be worn at all other times.

(b) Passengers

The driver of a hackney carriage is responsible for any child passenger under the age of fourteen years and must ensure they comply with the law.

The law on seat belts places children in different categories according to their age or size as shown below:

Children under three years of age if travelling in;

- the rear seat must use the correct child restraint. If one is not available in a hackney carriage, the child may travel unrestrained.

A child from their third birthday to 135cms in height, or their twelfth birthday whichever they reach first, if travelling in;

- the front seat must wear the correct child restraint
- the rear seat must wear the correct child restraint. If the correct restraint is not available in a hackney carriage the child must wear an adult seat belt.

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

Seats

All licensed hackney carriages or private hire vehicles must have a minimum passenger seat width of not less than 43cm per passenger, or the total length across the whole back seating shall be equal to a multiple of 43 cm.

All vehicles licensed to carry in excess of 4 passengers will only be licensed in accordance with the original manufacturer's specification. However, if the Council's authorised officer deems the layout unsuitable for the conveyance of passengers or the seating does not meet the size requirement, a licence will not be granted. It should not be assumed that permission will automatically be granted.

For example, vehicles that have 'pop up' seats in the rear, will often not meet the size or layout specification to be licensed for 6 passengers but could be licensed for 4 passengers.

Applicants and licensed drivers are strongly advised to contact the Licensing Office to ensure that any vehicle proposed to be licensed will meet the seating requirements and other terms of the Policy such as the age/condition requirement.

Tyres

Original manufacturers' specification 'tyre repair kits/compressor' are permitted within licensed vehicles provided they comply with the relevant British Standard. If a 'tyre repair kit/compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit/compressor' is being used on the vehicle.

Doors

All licensed hackney carriages or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.

All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

Tinted Windows

The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.

Luggage

Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.

There should be no dampness or any sign or ingress of water in the luggage space.

In order for a vehicle to be licensed there must be sufficient boot space to:

- carry luggage for the number of persons the vehicle is licensed to carry; and
- carry a foldable wheelchair.

If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle it must be fitted with a guard-rail or manufacturer's specification compartment cover to prevent luggage from entering the rear passenger compartments.

Advertising

General advertising and self-advertising is permitted, but it must not contain anything of a religious or political nature or any matter that may cause offence.

No advertisement shall obliterate, obscure or be confused with the vehicle's licence plate, or restrict access to the vehicle, or obstruct clear sight into or out of the vehicle's window.

Internal advertisements are permitted on the windscreen or rear window but must be:

- no more than ten centimetres in height,
- positioned so that they do not obstruct the driver's view in any way, and
- be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle.

The owner of any vehicle displaying an advertisement that does not conform to this section of the Policy will be required to remove the offending advertisement. Until such time as the offending advertisement has been removed, the vehicle licence will be suspended.

Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "hackney carriage" or "for hire".

Communication Devices

The use of a Personal Digital Assistant (PDA) or smart phone communication/mapping devices are permitted, however they must not be held by the driver and must be fitted where all passengers have an unobstructed view but must not be in a position to distract the driver.

Should the PDA/or smart phone display a fare this must be calibrated in accordance with the approved Council fare tariff and match the display on the fitted meter at all times.

Smoking/Vaping

It is against the law to smoke in virtually all enclosed public places, workplaces and in public and work vehicles. This applies not only to public houses, restaurants and any other enclosed public area but also applies to hackney carriage and private hire offices and hackney carriage and private hire vehicles. A licensed vehicle remains a licensed vehicle 24 hours a day and therefore is a smoke free vehicle at all times whatever purpose it is being used for including but not limited to social, domestic, pleasure or business purposes.

Licensed drivers are required to place ' No Smoking ' signs in offices and in all licensed vehicles. Drivers and operators should be aware that it is their responsibility to operate within the law.

Vaping is also not permitted in a licensed vehicle.

Insurance

There shall be a policy of insurance throughout the duration of the vehicle licence including appropriate cover for hackney carriage or private hire (as applicable).

Certificates of insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by the Council. Failure to comply with this requirement will preclude a licence from being issued.

Where a cover note is provided as part of a licence application, a full certificate of insurance must be provided prior to the expiry of the cover note. If the certificate covers more than one vehicle the Council will also require sight of the schedule detailing the vehicles.

The registered owner of the licensed vehicle shall ensure that it is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers. In the absence of appropriate insurance the licensed vehicle cannot be used for the carrying of passengers.

As case law has established that a vehicle licensed as a hackney carriage or private hire vehicle remains a licensed vehicle at all times until the licence expires or is surrendered, only appropriately licensed hackney carriage or private hire drivers may

drive the vehicle. The Council will not, therefore, accept any certificate of insurance that includes persons that do not hold a valid hackney carriage or private hire driver's licence (as appropriate) for the vehicle.

Soiling Charges

At the discretion of the driver a fee may be charged in the event that a licensed vehicle is soiled by a passenger. The maximum charge that can be levied is as set out the Council's current fees and charges schedule.

Mechanical Breakdown

If any vehicle becomes unfit to complete a hiring due to mechanical breakdown, the driver is entitled to demand the fare for the distance already travelled. The driver shall secure alternative transport for the hirer without delay to complete the journey, if the hirer so wishes.

If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

Any such incident must be reported to the Licensing Office within one working day.

Receipts

Any passenger requesting a receipt for any payment made will be provided with a receipt showing the date and the fare paid and be signed by the driver. This shall be in such form as to identify the company or individual providing the receipt.

Change of Address

A licensed driver or proprietor must inform the Council as soon as possible in writing of any change of address but not more than seven days after the change.

Change of Ownership

Any change to the person(s) or company named on a vehicle licence must be notified to the Council within fourteen days of such change.

When the holder of a vehicle licence wishes to transfer the licence to another person they must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place. Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

In no circumstances may the vehicle be used as a licensed vehicle by the new owner until all relevant documentation has been completed, fees paid and the licence transferred. A new vehicle licence plate will also be issued.

The Maximum Age of Vehicles requirement (see above) applies and no change of ownerships will be permitted for licensing purposes unless the vehicle was less than five years old from the date of first registration when the change of licence occurs.

Vehicle Testing

In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current certificate of compliance pass certificate from the Council's nominated testing facility.

Hackney carriage vehicles that are less than one year old will be exempt from producing a current MOT pass certificate but will be required to obtain a certificate of compliance pass certificate.

All vehicles will be subject to annual testing requirements (MOT and compliance test) until they reach seven years old. Each application for the grant or renewal of a vehicle licence must be accompanied by proof of a compliance test pass.

Once a vehicle reaches seven years old, from the next compliance due it will be subject to six-monthly compliance testing requirements and if on the renewal date the compliance test is already over 6 months old, it will require another before renewal takes place.

The licence of any vehicle which fails its testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary compliance test pass certificate obtained.

The Council may retain the vehicle licence plate until such time as the inspection requirements are met.

MOT Advisories

With public safety being a significant objective of this Policy, the Council expects licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres must be rectified as soon as possible, or the vehicle licence may be suspended until such time as the work is completed. The Council also reserves the right to extend this requirement to other MOT advisories where deemed necessary for the protection of the public. Confirmation of work carried out may be required, such as sight of invoices.

Accident Reporting

With the safety of the public being a predominate factor of this Policy, all licensed vehicles involved in an accident, however minor, will be required to obtain the approval of an authorised officer of the Council to continue operating. Following an accident or damage to a licensed vehicle, the vehicle must be inspected within 3 working days by an authorised officer of the Council to determine its fitness for continued use. Alternatively, a photo of the damage can be e-mailed to the Licensing Office to determine if the vehicle needs to be inspected. If it is determined that the vehicle is fit

for continued use, a time-scale for any cosmetic repairs will be notified to the licensed driver.

The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the Council's testing requirements.

Bus Lanes

Hackney carriages may use a bus/taxi lane where a lane on a road has been set aside and has regulatory signs depicting that the lane is for the use of buses/taxis. If the sign depicts only a bus then a hackney carriage cannot use it. The regulatory sign is the key to the usage of the lane. Private hire vehicles are not able to use bus lanes.

Ranks

The number of vehicles stationed at any hackney carriage rank must not exceed the number for which the rank is appointed at any time.

When plying for hire on a rank, a hackney carriage driver must join the end of the queue and NOT park in contravention of any 'no waiting' restrictions.

When using a hackney carriage rank, drivers should take up a position at the rear and move forward when space becomes available. At no time should a hackney carriage be left unattended on a rank.

Temporary Vehicles

A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided that:

- the damage to, or defect in, the vehicle has been reported to the Council within the required time frame,
- the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes, and
- the vehicle licence plate is returned to the Council.

Vehicle Complaints

Any vehicle against which a complaint is made must be presented to an authorised officer of the Council within one working day of being so requested for inspection, and or, testing and for the driver to answer such complaint.

Private Hire Vehicles

The following section of this policy applies specifically to private hire vehicles except where stated.

A private hire vehicle must not carry a roof sign of any description, mounted or built-in, or any markings that may give the impression that it is a hackney carriage.

Internal “FOR HIRE” signs are not permitted in a private hire vehicle.

Private hire vehicles are not required to be fitted with a taximeter, however where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.

Private hire operators must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed. If the operator intends to use a taximeter or electronic device or app to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter or device would be engaged.

Maximum Age of Vehicles

The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not license vehicles may be arbitrary and disproportionate. The limits set by the Council are considered necessary and proportionate to promote public safety and the other objectives of this Policy. However it is accepted that a greater frequency of testing may be appropriate for older vehicles.

When first licensed by the Council, all vehicles must be less than five years old from the date of first registration.

Private hire vehicles may be licensed until such time that the vehicle cannot comply with the Council’s testing requirements.

Vehicle Licence Plates

For the avoidance of doubt, a licensed vehicle is always a licensed vehicle including when being used for private purposes. At all times when a vehicle is licensed as a private hire/hackney carriage, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle. Plates attached by magnets must not be removed when the licensed driver is not working at any time, save for when parked overnight outside the driver’s home.

The licence plates must be clearly identifiable and legible to the public at all times.

Dual Plating

The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another licensing authority. If the vehicle has been previously been licensed by another authority then proof of delicensing may be required.

Inspection

All hackney carriage and private hire vehicles must be available for inspection, at any location within the Borough, at all times when requested by an authorised officer of the Council or a police officer.

All vehicle documentation must be produced within twenty four hours, or such other time as specified, when requested by an authorised officer of the Council or a police officer.

Unauthorised Use

The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current private hire driver's licence issued by the Council.

For the avoidance of doubt, case law has established that once licensed as a private hire vehicle, the vehicle remains a licensed vehicle at all times until the licence expires, is surrendered, is suspended or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a licence plate, complying with all requirements of this Policy and being driven by a licensed driver.

Livery

The Council believes that the requirements of this Policy ensure that hackney carriages and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery.

Maintenance and Condition of the Vehicle

The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:

- be free of large and/or sharp-edged dents,
- be free of visible rust,
- be free of unrepaired accident damage,
- have uniform paintwork equivalent to that applied by the manufacturer,
- be maintained in an acceptable state of cleanliness,
- have the bumpers and all trims secured and aligned.

The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

- be free of all stains to the upholstery,
- be free of all splits and tears to the seats,
- be maintained in an acceptable state of cleanliness,
- provide seats functioning in accordance with the original manufacturers' specification, and

- have the boot or luggage compartment empty; except for the spare wheel and essential tools.

For the avoidance of doubt, any vehicle that would not pass a certificate of compliance inspection or a MOT must not be used until such time as the requirements of the certificate of compliance and/or MOT testing can be met.

Disabled Access

In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle should ordinarily ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefers vehicles to be loaded from the side it is aware that rear-loading vehicles better suit certain types of motorised wheelchair, therefore each vehicle will be assessed on its own merits.

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
- internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
- a suitable restraint must be available for the occupant of a wheelchair,
- access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
- ramps and lifts must be securely stored in the vehicle before it may move off, and
- access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.

Further details regarding Wheelchair Accessible Vehicles is set out on page 14 above.

Seat Belts

(a) Private Hire Drivers

Private hire drivers are exempt from wearing a seat belt whilst seeking hire, answering a call for hire or carrying a passenger for hire. A seat belt must be worn at all other times.

(b) Passengers

The driver of a private hire vehicle is responsible for any child passenger under the age of 14 years and must ensure they comply with the law.

The law on seat belts places children in different categories according to their age or size as shown below:

Children under three years of age if travelling in;

- the rear seat must use the correct child restraint. If one is not available in a private hire vehicle, the child may travel unrestrained.

A child from their third birthday to 135cms in height, or their twelfth birthday whichever they reach first, if travelling in;

- the front seat must wear the correct child restraint
- the rear seat must wear the correct child restraint. If the correct restraint is not available in a private hire vehicle the child must wear an adult seat belt

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

Seats

All licensed hackney carriages or private hire vehicles must have a minimum passenger seat width of not less than 43cm per passenger, or the total length across the whole back seating shall be equal to a multiple of 43cm.

All vehicles licensed to carry in excess of 4 passengers will only be licensed in accordance with the original manufacturer's specification. However, if an authorised officer of the Council deems the layout unsuitable for the conveyance of passengers or the seating does not meet the size requirement, a licence will not be granted. It should not be assumed that permission will automatically be granted.

For example, vehicles that have 'pop up' seats in the rear, these often will not meet the size or layout specification to be licensed for 6 passengers but could be licensed for 4 passengers.

Applicants and licensed drivers are strongly advised to contact the Licensing Office to ensure the vehicle will meet the seating requirements and other terms of the policy such as the age/condition.

Tyres

Original manufacturers' specification 'tyre repair kits/compressor' are permitted within licensed vehicles provided they comply with the relevant British Standard. If a 'tyre repair kit/compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit/compressor' is being used on the vehicle.

Doors

All licensed hackney carriages or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.

All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

Tinted Windows

The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.

Luggage

Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.

There should be no dampness or any sign or ingress of water in the luggage space.

In order for a vehicle to be licensed, there must be sufficient boot space to:

- carry luggage for the numbers of persons the vehicle is licensed to carry; and
- carry a foldable wheelchair

If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover to prevent luggage from entering the rear passenger compartments.

Advertising

General advertising and self-advertising is permitted, but it must not contain anything of a religious or political nature or any matter that may cause offence.

No advertisement shall obliterate, obscure or be confused with the vehicle's licence plate or restrict access to the vehicle or obstruct clear sight into or out of the vehicle's window.

Internal advertisements are permitted on the windscreen or rear window but must be:

- no more than ten centimetres in height,
- positioned so that they do not obstruct the driver's view in any way, and
- be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle.

The owner of any vehicle displaying an advertisement that does not conform to this section of the Policy will be required to remove the offending advertisement. Until such time as the offending advertisement has been removed, the vehicle licence will be suspended.

Any advertising or signage on a private hire vehicle must not include the words “taxi”, “cab”, “hackney carriage” or “for hire”.

Communication Devices

The use of a Personal Digital Assistant (PDA) or smart phone communication/mapping devices are permitted, however they must not be held by the driver and must be fitted where all passengers have an unobstructed view but must not be in a position to distract the driver.

Should the PDA/or smart phone display a fare this must be calibrated in accordance with the approved Council fare tariff and match the display on the fitted meter at all times.

Smoking/Vaping

It is against the law to smoke in virtually all enclosed public places, workplaces and in public and work vehicles. This applies not only to public houses, restaurants and any other enclosed public area but also applies to hackney carriage and private hire offices and taxis and private hire vehicles. A licensed vehicle remains a licensed vehicle 24 hours a day and therefore is a smoke free vehicle at all times whatever purpose it is being used for including but not limited to social, domestic, pleasure or business purposes.

Licensed drivers are also required to place ‘No Smoking’ signs in offices and in all licensed vehicles. Drivers and operators should be aware that it is their responsibility to operate within the law.

Vaping is also not permitted in a licensed vehicle.

Insurance

There shall be a policy of insurance throughout the duration of the vehicle licence including appropriate cover for hackney carriage or private hire (as applicable).

Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by the Council. Failure to comply with this requirement will preclude a licence from being issued.

Where a cover note is provided as part of a licence application, a full certificate of insurance must be provided prior to the expiry of the cover note. If the certificate covers more than one vehicle the council will also require sight of the schedule detailing the vehicles.

The registered owner of the licensed vehicle shall ensure that it is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers. In the absence of appropriate insurance the licensed vehicle cannot be used for the carrying of passengers.

As case law has established that a vehicle licensed as a hackney carriage or private hire vehicle remains a licensed vehicle at all times until the licence expires or is surrendered, only appropriately licensed hackney carriage or private hire drivers may drive the vehicle. The Council will not, therefore, accept any certificate of insurance (or renewal schedule) that includes persons that do not hold a valid hackney carriage or private hire driver licence (as appropriate) for the vehicle.

Soiling Charges

At the discretion of the driver a fee may be charged in the event that a licensed vehicle is soiled by a passenger. The maximum charge that can be levied is as set out in the Council's current fees and charges schedule.

Mechanical Breakdown

If any vehicle becomes unfit to complete a hiring due to mechanical breakdown, the driver is entitled to demand the fare for the distance already travelled. The driver shall secure alternative transport for the hirer without delay to complete the journey, if the hirer so wishes.

If the original vehicle is repaired and completes the hiring the driver shall be entitled to full fare with the exception of any time that the hirer waited for the repair to be executed.

Any such incident must be reported to the Licensing Office within one working day.

Receipts

Any passenger requesting a receipt for any payment made, will be provided with a receipt showing the date, fare paid and signed by the driver. This shall be in such form as to identify the company or individual providing the receipt.

Change of Address

The driver or proprietor must inform the Council of any change of address in writing prior to the change, where possible but not more than seven days after the change.

Change of Ownership

Any change to the person(s) or company named on a vehicle licence must be notified to the Council within fourteen days of such change.

When the holder of a vehicle licence wishes to transfer the licence to another person they must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place.

Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until all relevant

documentation has been completed, fees paid and the licence transferred. A new vehicle plate will also be issued.

The Maximum Age of Vehicles requirement (see above) applies and no change of ownerships will be permitted for licensing purposes unless the vehicle was less than five years old from the date of first registration when the change of licence occurs.

Vehicle Testing

In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current certificate of compliance pass e from the Council's nominated testing facility.

Hackney carriage vehicles that are less than one year old will be exempt from producing a current MOT pass certificate but will be required to obtain a certificate of compliance pass certificate.

All vehicles will be subject to annual testing requirements (MOT and compliance test) until they reach seven years old.

Once a vehicle reaches seven years old, from the next compliance due it will be subject to six-monthly testing requirements (compliance test) and if on the renewal date the compliance test is already over 6 months old it will require another before renewal takes place.

The licence of any vehicle which fails its testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary compliance test pass certificate obtained.

The Council may retain the vehicle licence plate until such time as the inspection requirements are met.

MOT Advisories

With public safety being a significant objective of this Policy, the Council expects licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres must be rectified as soon as possible or the vehicle licence may be suspended until such time as the work is completed. The Council also reserves the right to extend this requirement to other MOT advisories where deemed necessary for the protection of the public. Confirmation of work carried out may be required such as sight of invoices.

Accident Reporting

With the safety of the public being a predominate factor of this Policy all vehicles involved in an accident, however minor, will be required to obtain the Licensing Enforcement Officer's approval to continue operating. Following an accident or damage to a licensed vehicle, the vehicle must be inspected within 3 working days by the Licensing Enforcement Officer to determine its fitness for continued use. Alternatively, a photo can be e-mailed to the Licensing Office of the damage and the

Licensing Enforcement Officer will decide if the vehicle needs to be inspected. If the Council's licensing enforcement officer determines that the vehicle is fit for continued use, a time-scale for any cosmetic repairs will be determined by the inspecting officer.

The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the Council's testing requirements.

Temporary Vehicles

A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:

- the damage to, or defect in, the vehicle has been reported to the Council within the required time frame,
- the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes, and
- the vehicle licence plate is returned to the Council.

Complaints

Any vehicle against which a complaint is made must be presented to the Licensing Office within one working day of being so requested, for inspection and or testing and for the driver to answer such complaint.

Special Events Vehicles

Stretched limousines are elongated saloon cars. Their use generally includes all private hire work plus special event occasions.

For the purposes of this Policy, a stretch limousine is defined as follows:

“A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;

- *is capable of carrying up to but not exceeding eight passengers;*
- *save for this Policy could not currently be licensed by the Council as a private hire vehicle; and*
- *is not a decommissioned military or emergency service vehicle.”*

Any stretched limousines capable of carrying eight passengers or less which are offered for private hire do require a licence from the Council. In accordance with the Best Practice Guidance, all applications to license stretched limousines as private hire vehicles will be treated on their own merits. Any stretched limousine capable of carrying more than eight passengers requires licensing by the Traffic Commissioners as a public service vehicle.

Any stretched limousine approved for licensing as a private hire vehicle will be subject to the below specification, which will be attached as conditions to all limousines licensed as a private hire vehicle.

- Stretch limousines/special event vehicles shall not be used for every day private hire use.
- Stretch limousines/special event vehicles may be left hand drive and must be under 10 years of age when first licensed at the discretion of the licensing officer dependant on condition.
- The vehicle shall have a minimum of four doors as standard, two available for the driver's compartment and a minimum of two available in the rear passenger compartment. All doors must work efficiently and correctly.
- Stretch limousines/special event vehicles may have some side facing seats provided that they conform to relevant road traffic vehicle legislation.
- All seats shall be fitted with approved seat belts that comply with the relevant road traffic legislation.
- Stretch limousines/special event vehicles may have tinted glass provided that it complies with the requirements of the current Road Vehicles (Construction & Use) Regulations.
- The licensee of the vehicle shall ensure that the vehicle is at all times only driven by a person who holds a current private hire driver's licence issued by the Borough of Broxbourne unless it is being road tested by a mechanic, the vehicle having undergone repair.
- The vehicle shall not convey more passengers than the number licensed to carry regardless of the age or size of the passengers.
- Passengers shall not be permitted to be carried in the front/driver's compartment of the vehicle whilst the vehicle is in use for hire or reward.
- Intoxicating liquor shall not be supplied in the vehicle unless there is in force an appropriate licence permitting the sale/supply of alcohol.
- Where alcohol is supplied in the vehicle, no person under the age of eighteen years being conveyed in the vehicle shall be allowed to consume alcohol. Any alcohol supplied shall only be served in non-breakable containers. Alcohol shall only be served whilst the vehicle is stationary and at all other times bottles are to be stowed in a secure fixture.
- The following activities are prohibited in the vehicle: -
 - a) Striptease
 - b) Lap dancing
 - c) Pole dancing
 - d) Any other activity/performance of a like kind.
- The licensee/driver of the vehicle shall not knowingly permit any visual recording to be played that is unsuitable having regard to the age of the passengers being conveyed.

- The licensee shall ensure that a performing rights or phonographic performance licence is held for the vehicle where appropriate.
- The vehicle shall carry a minimum of two fire extinguishers (one in the driver's compartment, one in the boot) that conform to British Standard EN3:1996 each with a minimum contents weight of 1Kg and be of the dry powder type securely mounted and accessible at all times.
- The vehicle must be fitted with a "Life" safety hammer securely located in the driver's compartment.

These conditions of licensing are supplementary to all applicable statutory legislation which will be regarded as if they are conditions of that licence.

It is an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine, without an appropriate licence.

If a limousine is to be provided whereby part of the booking includes "free alcohol", the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

Private Hire Executive Vehicles

In certain circumstances it is possible to licence 'executive' type vehicles whereby an 'executive disc' is issued which can be displayed on the vehicle windscreen, with the usual private hire plate kept in the luggage compartment. The criteria for such a disc to be issued would include:

- anyone who advertises a 'chauffeur service' with executive vehicles.
- anyone who undertakes mainly contract work with regular business customers, who prefer not to advertise their use of 'hire' vehicles.

Applicants to license a vehicle of this type are invited to contact the Licensing Office for further details.

Funeral and Wedding Vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be licensable activity.

Ambulances and Other Patient Transport

All ambulances meeting the following requirements will be exempt from private hire vehicle licensing:

“Vehicles constructed to original manufacturer’s specification and equipped and used for the carriage of sick, injured or disabled people with a permanent rear compartment and means of conveying passengers in a recumbent position together with an attendant seat for use by accompanying medical professionals, readily identifiable as a vehicle used for the carriage of such people by being marked “Ambulance” on both sides.”

Other patient transport services provided by statutory or voluntary organisations are likely to require licensing as private hire vehicles.

Voluntary Sector Transport

The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

The Council is of the view that licensing requirements apply where it can be proven that the business obtains a benefit or are using drivers whose services go beyond that of mere social kindness. In all such circumstances the Council will consider the specific circumstances of the service provided.

PART 3 – PRIVATE HIRE OPERATORS

Requirements and Obligations

Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator Licence. A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator licence.

Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver licence. All three licences, private hire operator, private hire vehicle and private hire driver, must be issued by the same licensing authority.

Disclosure and Barring Service (DBS) Disclosures

It is important that the Council is assured that those that are granted a private hire vehicle operator licence also pose no threat to the public and have no links to serious criminal activity.

Private hire operators cannot be required to produce an Enhanced DBS Disclosure. Therefore a Basic Disclosure of criminal convictions from the DBS, or a Certificate of Good Conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the Policy objectives and will be required for applicants. A reference covering the applicant's financial record and/or business history may also be considered appropriate in addition to these requirements in some instances. Whether a private hire operator is considered fit and proper to hold a licence will be determined based on the definitions set by the common licensing standards and the relevance of convictions policy set out in Appendix A.

Accordingly, before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. A basic DBS Disclosure must be provided annually. Licensed operators that hold a current hackney carriage or private hire driver's licence with the Council will be exempt from this requirement.

A private hire operator licence may be applied for by an individual, company or partnership. The Council will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. Private hire operators are therefore required to advise the Council of any change in directors or partners within 14 days of the change(s) taking place.

Right to Work

All applicants for an operator's licence will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work.

The law requires that the Council check an applicant's right to work before a licence is issued. The Home Office has published guidance on conducting immigration checks for hackney carriage and private hire licensing, which also includes details of what documents can be accepted to prove a person's immigration status, and for how long licences may be granted.

If a person is on a time limited visa, any licence which may be issued will expire when the visa expires.

In the case of a person with a pending application for a visa or leave to remain, including renewals of such documents or permission, any licence which may be granted will only be issued for a period of 6 months.

If, at any time a person's entitlement to work in the UK is removed, any licence held will be revoked.

Private Hire Management and Staff

The Council is aware that all persons involved in the management and staffing of private hire operator businesses have access to sensitive information that may impact on public safety. Unless the business is able to demonstrate to the Council that they have already undertaken appropriate DBS checks on their management and staff, the following requirements will apply upon the grant and renewal of private hire operator licences.

All private hire operators will be subject to a basic annual DBS Disclosure unless they are already registered with the DBS online checking service as a driver.

Any person involved in the operation of a private hire business with access to sensitive information, for example office managers and call handlers, will be required to provide the operator with a basic DBS disclosure. Therefore, private hire operators will be required to advise the Council of any change in staff. It is a condition of the granting of an operator licence that a register is kept (as a live document) of all staff that will take bookings or dispatch vehicles and also a record that the operator has viewed their DBS.

A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the period that the individual is on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

If bookings are outsourced, the operator will be required to evidence that comparable protections are applied by the company to which they outsource these functions.

For current operators the register should be available within 3 months of this Policy coming into force.

The Council will also require operators, or applicants for an operator's licence, to provide details of their policy on employing staff with disclosed convictions on their basic DBS in roles that would be on the register as above within 3 months of this Policy coming into force, or on application if a new applicant.

Conditions

The Council has a power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following condition will be attached to all private hire operator licences issued by the Council:

"This licence is granted subject to compliance with the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy throughout the duration of the licence period."

Licence Duration

The Council will ordinarily issue a successful applicant for a private hire operator licence with a five-year licence from the date of grant, subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances.

Operator Address

Upon the grant of a private hire operator licence the Council will specify on the licence the address from which the operator may accept bookings and despatch vehicles. This address will ordinarily be the address stated on the application form.

The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council.

Operating Bases Outside the Borough of Broxbourne

The Council will not grant a private hire operator licence for an operating base that is outside the Borough. 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 as the operator may apply to the local authority responsible for the location of the proposed operating base.

Operating Bases Inside the Borough of Broxbourne

A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the Borough of Broxbourne. Accordingly, all vehicles and drivers operating from that base will require appropriate licences issued by the Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council and that all vehicles operating with the Borough meet the Council's Policy objectives.

Sub-Contracting of Private Hire Bookings

Legislation allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, whether in the same district or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.

All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. They can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.

The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the sub-contracted operator is based.

Records

Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.

Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted:

- date of the booking,
- name and address of the hirer,
- time of pick-up,
- address of the point of pick-up,
- destination,
- licence number (or other identification) of the driver allocated to the booking,
- plate number (or other identification) of the vehicle allocated to the booking,
- fare agreed between the operator and hirer at the time of booking,
- the name of any individual that responded to the booking request, and
- the name of any individual that dispatched the vehicle.

The operator shall keep the following records of the particulars of all private hire vehicles operated by them:

- type, make, model, colour and engine size of vehicles,
- year when the vehicle was first licensed for private hire,
- vehicle registration numbers,
- number of seats for passengers,
- owners of the vehicles,
- insurance details of vehicles,
- method of charging, i.e. whether or not a meter is fitted, and
- private hire vehicle plate number.

The operator shall keep the following records of the particulars of all drivers of private hire vehicles operated by them:

- driver's name, address and call sign,
- date employment commenced,
- date employment ceased,
- any change of address, including the date the address changed,
- any illness, disability or condition which may affect the driver's ability to safely carry out his duties, and
- expiry date of driver licence.

All records maintained by the operator shall be kept for at least twelve months after entry and shall be produced for inspection, on request, by an authorised officer of the Council or a police officer.

Private hire vehicle operators have a duty under data protection legislation to protect the information they hold. The Information Commissioner's office provides comprehensive on-line guidance on registering as a data controller and how to meet these obligations.

Complaints

It is important that operators do all they can to assist in the resolution of complaints about their service or about the service provided by the drivers working for them. Timely resolutions of complaints is important for customer service, wellbeing and safeguarding purposes.

Applicants for an operator's licence must submit a complaints policy to the Council at the time of making their application. Current operators will be required to supply the policy to the Council within 3 months of the Policy coming into force. The policy must be comprehensive and easy to understand.

The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from their business, for example for their own protection against frivolous or vexatious complaints, or allegations of misconduct against a driver. Such notification must include the action taken, or proposed, as a result of the complaint.

Disclosure of Convictions

The operator shall, within seven days of conviction, notify the Council in writing of any conviction or fixed penalty imposed on them during the period of duration of his/her operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty.

The convictions policy set out in Appendix A and the enforcement and complaints policy set out in Appendix C apply as appropriate to private hire operators.

Private Hire Insurance

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by them under the operator licence, which is compliant with current legislation regards the carriage of passengers for hire or reward.

Private Hire Driver Licences

The operator shall ensure that every driver engaged by them has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavours to ensure that all drivers have a badge issued by the Council and that the drivers wear the badge at all times whilst available for hire or display the badge within vehicle at all times whilst available for hire.

Planning Consent

To operate a private hire business from a residential property, planning permission may be required. A private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.

Safeguarding Training

The Council acknowledges the importance of safeguarding training for all private hire operators regarding vulnerable adults and children as they are in a position to witness potential victims of abuse or exploitation.

As from the date of adoption of the Policy, it will be a mandatory requirement for all private hire operators to attend safeguarding awareness training delivered by a provider prescribed by the Council as part of the grant or renewal of an operator's licence. The cost of the training will be met by the applicant or licensed operator.

If the private hire operator has attended safeguarding training as a current licensed driver, there will be no requirement to attend as a private hire operator.

If the private hire operator is a company, any person involved in the day-to-day management of the business will be required to attend safeguarding training as part of the grant or renewal of the operator licence.

Failure to attend safeguarding training will preclude a licence being granted or renewed until such time as the training requirement has been fulfilled.

All private hire operators, new or existing, are permitted to attend the mandatory safeguarding training up to three months prior to the grant or renewal of a licence.

The Council will introduce the requirement to attend the mandatory safeguarding training on a phased basis and will notify operators of the opportunities for this to be undertaken.

PART 4 – VEHICLE, DRIVER AND OPERATOR APPLICATION PROCEDURE

Vehicles

An application for a vehicle licence will only be considered complete when all of the following components have been received:

- prescribed application form, fully completed;
- appropriate fee; and
- V5 registration document:-
 - which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s),
 - once the V5 has been provided for the grant of a new vehicle licence, it need not be re-submitted with subsequent renewal

applications unless the details of the vehicle or registered keeper change,

- current valid insurance certificate or cover note:
 - the certificate must include the appropriate usage as a hackney carriage or private hire vehicle,
 - the certificate must cover a minimum of one calendar month from the start date of the licence,
 - the certificate must not contain the name(s) of any driver not licensed with the Council,
 - if a cover note is provided, a full certificate of insurance must be provided before the expiry date of the cover note,
- current MOT certificate (if over 1 year old for hackney carriage and 3 years old for private hire),
- current certificate of compliance, and
- proof of meter calibration for hackney carriages (excluding renewals)

Vehicle Proprietors

If the vehicle proprietor is not a licensed driver with the Council, or a licensed operator with Council, an annual Basic DBS disclosure will be required to be provided. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). The Council will then consider if the vehicle proprietor meets the 'fit and proper' threshold.

Drivers

An application for a driver licence will only be considered complete when all of the following components have been received:

- prescribed application form, fully completed,
- appropriate fee,
- a current valid full driving licence,
- proof of right to work in the UK (new applicants and where applicable);
- one recent passport-sized, clear and easily identifiable photograph of the applicant,
- attendance of new driver training course and knowledge test passes (new applicants only),
- enhanced Disclosure and Barring Service (DBS) disclosure (or DBS update service-but original certificate must be seen),
- Driving Standards Pass Certificate,(new applicants only)
- medical certificate (new applicants), and
- safeguarding and disability training attendance record.

All new applicants must obtain the appropriate knowledge test passes, undertake safeguarding/disability training, provide a medical certificate and Enhanced DBS disclosure (and join the update service) prior to submitting an application and provide the accompanying fee and documentation.

Operators

An application for an operator licence will only be considered complete when all of the following components have been received:

- prescribed application form, fully completed,
- appropriate fee,
- inspection of the operating premises by an authorised officer of the Council,
- basic Disclosure and Barring Service (DBS) disclosure(s),
- safeguarding training attendance record,
- sight of the register of booking and dispatch staff and
- provided the policy on employing staff with disclosed convictions in roles that would be on the register of booking and dispatch staff.

New Driver Knowledge Tests

In order to maintain the high standards that the Council expects of its hackney carriage and private hire drivers operating within the Borough, all new drivers are required to attend a driver training course conducted by a trainer prescribed by the Council. Applicants must pass all tests at the end of the course including a knowledge test to be considered for a licence. The cost of the test is borne by the applicant.

Driving Standards Certificate

All new drivers must obtain a driving standards certificate from a provider prescribed by the Council. The cost of the test is borne by the applicant.

Disclosure and Barring Service (DBS) Disclosures

No application for a hackney carriage or private hire driver licence will be considered without an enhanced DBS disclosure satisfying the requirements of this Policy.

The Council requires applicants to register with the online DBS checking service. This will enable the Council to check an existing DBS 6 monthly during the term of the licence (and at any other time as appropriate) and upon each renewal, only requiring a new DBS disclosure if the existing DBS has changed.

Consideration of Applications

Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.

In order for an application to be considered as a renewal application, the fully completed application form and correct fee must be received prior to the expiry date of the previous licence. Accompanying documentation can then follow as it becomes available. Failure to comply with this requirement will ordinarily result in the applicant having to re-apply as a new applicant and meet all the requirements of this Policy in respect of new applications.

Unsuccessful applicants will be informed of the Council's reasons for the refusal and their right of appeal against the decision to the Council's Licensing Applications Sub-Committee or the Courts as appropriate.

Return of Licence Plates and Licence Badges

All licence plates and licence badges remain the property of the Council and must be returned:

- at the point of collection of any renewed plate or badge,
- upon written request within seven days of such a request,
- within seven days of expiry (when not renewed) or surrender,
- immediately upon suspension or revocation,
- when a vehicle is off the road as it does not meet the Council's testing requirements, or;
- when a temporary replacement vehicle plate is issued.

Renewed licence plates and licence badges will only be issued therefore upon the return of the existing plate or badge to the Council. In exceptional circumstances, where licence plates or licence badges are posted to the licence holder, the existing plate or badge must be returned within seven days of receipt.

PART 5 – ENFORCEMENT

Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a proportionate enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.

The Council's enforcement and complaints policy is set out in Appendix B.

Complaints against Drivers

Complaints against hackney carriage and private hire drivers and operators are relatively low in the Borough. When received these can vary from overcharging, or unprofessional behaviour, to standards of driving. All complaints will be investigated and actioned in accordance with the policy set out in Appendix B.

Compliments/Complaints

Upon renewal each driver of a licensed vehicle will be supplied with a notice to display in their vehicle which will detail the licence number of the vehicle and the Council's contact details in the event that a passenger would like to register a complaint or compliment.

PART 6 – FARES

Hackney Carriages

Hackney carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at regular intervals, and will, therefore, consider the fare scales on an annual basis.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give drivers an incentive to provide a cost-effective service at the times it is needed.

The fare for any journey that starts and ends within the Borough cannot exceed the metered fare based on the Council's maximum fare tariff. The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences.

The fare for any journey that starts or ends outside of the Borough can be negotiated prior to the commencement of the journey without using the meter.

A table of authorised fares will be provided to each hackney carriage licence holder and this shall be displayed in each vehicle so that it is easily visible to all hirers.

Private Hire Vehicles

The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.

The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle if provided. In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking.

PART 7 – HACKNEY CARRIAGE STANDS

Waiting on Stands

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example 'comfort breaks'. Leaving a hackney carriage unattended on a stand for any other reasons, for example shopping, will be dealt with as an offence in accordance with this Policy.

Plying for Hire

For the avoidance of doubt, the Council does not have a by-law requiring hackney carriages to return to a taxi stand between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

PART 8 – APPEALS

The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 52 and 77 detail an applicant's right of appeal.

In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence, or impose conditions on a licence the applicant has a right of appeal to the Magistrates' Court.

Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

A further right of appeal against the decision of the Magistrates' Court lies with the Crown Court.

PART 9 – AUTHORISED OFFICERS AND DELEGATED POWERS

The regulation of hackney carriage drivers, vehicles and private hire operators by licensing authorities is primarily set out in the provisions of the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 with some subsequent new and/or amending legislation.

This legislation provides for the regulation of the hackney carriage and private hire trades through the issue of licences and when required, enforcement action.

The Council's approved scheme of delegation will provide the necessary authorisations to the following officer post holders to act under all appropriate legislation relating to the licensing of hackney carriage and private hire drivers, vehicles and private hire operators and the enforcement and complaints policy set out in Appendix B, save for those matters reserved to the Licensing Applications Sub-Committee under the provisions of this policy.

The authorised officers are for these purposes are;

Head of Environmental Health and Licensing
Senior Licensing Officer
Licensing Enforcement Officer
Licensing Officer

CONVICTIONS POLICY

It is a legislative requirement and the duty of the Council to ensure that anyone who holds a licence for hackney carriage/private hire work is 'fit and proper' to hold the licence. This appendix details the definition of fit and proper used by the Council and other factors the Council will consider as part of the determination of an application for or the renewal of a licence. Compliance with this policy is an integral part of the fit and proper person test.

In order to protect the safety of the public the Council must ensure:

- A person is a fit and proper person in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976
- The person does not pose a threat to the public
- The public are safeguarded from a dishonest persons
- Safety of children, young persons and vulnerable adults

Definition of 'Fit and Proper'

In the absence of a judicially approved definition of 'fit and proper' the Council will apply the test cited in the Statutory Taxi and Private Hire Vehicle Standards 2020 and when considering whether an applicant or licensee is fit and proper to pose the following question:

Without any prejudice, and based on information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of night or day?

If, on the balance of probabilities, the answer to the question is no, the conclusion reached will be that the individual should not hold a licence.

In accordance with the Statutory Taxi and Private Hire Vehicle Standards, all decisions on the suitability of an applicant or licensee will be made on the balance of probability meaning that an applicant or licensee should not be 'given the benefit of doubt.' If the view is only "50/50" as to whether the applicant or licensee is fit and proper they should not hold a licence. Furthermore, it is recognised that the threshold used is lower than for a criminal conviction (that being beyond reasonable doubt) and consideration can be taken into account of conduct that has not resulted in a criminal conviction.

It is also noted that the terms of the Rehabilitation of Offenders Act 1974 does not apply when considering the licensing of drivers as convictions as never 'spent'.

In considering an individual's criminal records the Council must and will consider each case on its merits, but a particularly cautious view will be taken on any offences against

individuals with special needs, children or other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

In order to achieve consistency the Council has a policy for the consideration of criminal records as set out below. This cites offences which will prevent an applicant from being licensed regardless of the period elapsed since the offence in all but truly exceptional circumstances. In the case of lesser offences, the number of years the Council will require to have elapsed since the commission of particular kinds of offences, before a licence will be granted are also set out below.

The policy below sets out an assessment of previous convictions. The periods stated will be taken as a starting point in considering whether a licence should be granted or renewed notwithstanding that all applicants will be entitled to a fair and impartial consideration of their application.

Assessment of Previous Convictions

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

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

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

For drivers that were licensed prior to this policy, but have one or more of the convictions listed in this policy that falls within the time frames specified, in line with the Statutory Taxi and Private Hire Vehicle Standards, when the driver's next DBS certificate is received the Council will consider whether the grant of the licence needs to be reviewed by the Licensing Applications Sub-Committee. The Sub-Committee will review the case and make a decision based on this policy as to whether the driver can continue to hold a licence. Each case will be considered on its own merits.

This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so they might obtain or retain a licence.

ENFORCEMENT AND COMPLAINTS POLICY

Introduction

This document sets out the approach of the Council, as a licensing authority, to enforcement matters relating to hackney carriage and private hire drivers, vehicles and operators and dealing with complaints from the public about the licensed trade.

Approach to Enforcement

The purpose of licensing enforcement is primarily for public safety. Enforcement is undertaken where evidence is available and compliance will be sought by one or a combination of the methods set out below.

Relevant Enforcement Methods

(a) Magistrates Court

When offences are committed that relate to criminal matters action will be pursued against a driver and/or operator in the Magistrates Court either by the Council, or as a co-partner to any police prosecution.

(b) Licensing Applications Sub-Committee

Drivers and/or operators will be referred to the Licensing Applications Sub-Committee where there are contraventions of the Council's licensing conditions or byelaws, or offences that fall below the threshold for reference to the Magistrates Court. The Sub-Committee will be asked to determine whether a driver or operator is 'fit and proper' to remain licensed (the terminology used in taxi licensing to assess whether a driver/operator is safe and suitable) or to be licensed.

(c) Written Warnings/Advisory Letters/Certificates of Caution

These forms of enforcement action will be considered where it is felt that the public interest and/or the interest of the Council does not merit referral to the Magistrates Court or the Council's Licensing Applications Sub-Committee or a suspension or revocation notice.

(d) Suspension and Revocation Notices

Suspension and revocation notices will be considered on grounds of public safety.

A decision will be taken as to whether the transgression requires immediate suspension of a driver's licence or operator's licence on the grounds of public safety or notice to the driver/operator giving a set period to rectify the transgression after which suspension would follow if not addressed. The revocation of a licence would be considered in specific circumstances where there was an immediate threat to public safety.

The Enforcement Process

The general approach to enforcement will be of a reactive nature. Due to the number of licensed drivers, operators and vehicles, targeted reactive enforcement is considered the most appropriate. Mindful of the Council's participation in the Better Business for All initiative, pro-active enforcement will only be considered where this is necessary in the public interest and every assistance will be offered to drivers and operators to enable them to rectify any failings in order to comply with existing licence conditions and regulations, where appropriate.

The enforcement process includes contacting the driver/operator by telephone, letter or email, inviting drivers/operators into the office for interview and the service of appropriate notices under the Local Government (Miscellaneous Provisions) Act 1976 relating to suspensions and revocations.

The approach to enforcement will also be determined by a driver/operator's service record should they have been the subject of previous enforcement action. This will be particularly relevant in determining whether the appropriate course of action would be one of the following:

- Prosecution in the Magistrates Court
- Referral to the Council's Licensing Applications Sub-Committee
- Issue of a written warning, advisory letter or certificate of caution
- Service of a notice of suspension or revocation

The following will be considered when deciding the most appropriate course of enforcement action and the timescale for that action:

- The seriousness and prevalence of the offence
- The past history of the offender or offences at the premises
- The cooperativeness and willingness of the offender to rectify the offence
- The consequence of non-compliance
- The likely effectiveness of the various enforcement options
- The impact of the enforcement choice in encouraging others to comply with the law

Dealing with Complaints

(a) From the Public

Where a complaint about a driver, vehicle or operator is received from a member of the public the initial response will be to invite the complainant to provide a written statement as to the circumstances giving rise to the complaint. Where this is not possible or inappropriate, the complainant will be invited to meet with the Licensing Enforcement Officer who will take, or prepare, a statement on the complainant's behalf.

Depending on the nature of the complaint, the usual practice will be to forward the statement to the person complained of and invite their written response within ten working days. However, where the complaint is of a particular type that necessitates reference to the police, or requires immediate action by the Council, this will take precedence over the procedure for notifying the driver/operator of the complaint. The type of complaint requiring this action would be where a potential criminal offence has been committed or there is a threat to public safety. In certain circumstances it may compromise the investigation of the complaint and the resulting action if the person complained of was contacted.

Public complaints of this type fall outside of the Council's Corporate Complaints Procedure.

(b) Complaints about Council Staff

Any complaints about Council staff will be subject to the Council's Corporate Complaints Procedure and referred to the Customer Services Manager to expedite the complaints process.

(c) Complaints - General

All complaints made to the Council in whatever form (writing, telephone, email, etc.) will be recorded.

All persons contacting the Council will be advised in an appropriate form (in writing or by telephone) of the outcome of their complaint.