

# AGENDA SUPPLEMENT



- Committee - **LICENSING COMMITTEE**
- Date & Time - Wednesday, 15 March 2023 at 6.30 pm
- Venue - Meeting Room 1, Council Offices, Priory Road,  
Spalding

## **Membership of the Licensing Committee:**

Councillors: A C Beal, F Biggadike, H J W Bingham, M D Booth, A Casson, A C Cronin, H Drury, J L King, P A Redgate (Vice-Chairman), G T D Rudkin, G P Scalese, J Tyrrell (Chairman), A R Woolf and C N Worth

Quorum: 5

Persons attending the meeting are  
requested to turn off mobile telephones

Democratic Services  
Council Offices, Priory Road  
Spalding, Lincs PE11 2XE

Date: 10 March 2023

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Please ask for Democratic Services: Telephone 01775 764838  
e-mail: demservices@sholland.gov.uk

## AGENDA

5. Taxi and Private Hire Licensing Policy - (Pages 31 - 120)  
To consider the draft taxi licensing policy prior to it being published for consultation (report of the Assistant Director – Regulatory enclosed).



<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	Wednesday, 15 March 2023
<b>SUBJECT:</b>	Taxi and Private Hire Licensing Policy
<b>PURPOSE:</b>	The Committee are asked to consider the draft taxi licensing policy prior to it being published for consultation
<b>KEY DECISION:</b>	No
<b>PORTFOLIO HOLDER:</b>	Portfolio Holder for Public Protection
<b>REPORT OF:</b>	Christian Allen, Assistant Director Regulatory
<b>REPORT AUTHOR:</b>	Donna Hall, Head of Public Protection
<b>WARD(S) AFFECTED:</b>	All wards
<b>EXEMPT REPORT</b>	No

## SUMMARY

The taxi licensing policy has been reviewed and redrafted following changes to legislation, best practice and statutory guidance. A new policy has been drafted and members of the Licensing Committee are asked to consider this revised policy, provide feedback and approve that the policy is published for consultation. The policy will then be revised following consultation feedback and brought back to a future meeting of the Licensing Committee for final consideration and approval.

## RECOMMENDATIONS

That Licensing Committee consider the draft policy and recommend that it is published for consultation.

## REASONS FOR RECOMMENDATIONS

It is recommended that a new taxi policy is adopted following consultation to ensure the Council is up to date, transparent and consistent.

It is also recommended that a twelve-week consultation is undertaken to ensure that the taxi trade and other interested parties have the opportunity to provide feedback.

## **OTHER OPTIONS CONSIDERED**

Do nothing – the Licensing Committee retain the current Taxi Licensing Policy

### **1. BACKGROUND**

- 1.1 As a Licensing Authority we are entitled, but not required, to adopt a policy on taxi licensing. The policy is viewed as being an integral part of the decision-making process enabling consistency and transparency. It is there to guide the licensing authority but each case must still be considered on its own merits.
- 1.2 The Council's existing taxi licensing policy needs to be updated and the decision was taken that the current format was no longer fit for purpose. Therefore a review has taken place and a new policy has been drafted.
- 1.3 The Licensing Officer has conducted significant research on taxi licensing including reviewing other Council's policies, taxi licensing guidance and best practice from the trade.
- 1.4 The proposed policy has been drafted taking into account this information, however it must be stressed that this is in draft form currently and a full public consultation should be undertaken. It is essential that the trade and other interested parties have the opportunity to fully consider and contribute to the new policy.
- 1.5 It is recommended that the draft policy is published for a full consultation for 12 weeks, enabling plenty of time for the trade, general public and other interested parties to fully consider the proposals and respond if needed. The Licensing Team will ensure that all existing Operators and drivers are aware of the consultation and have the opportunity to respond.
- 1.6 Following the consultation, officers will review all feedback received and return to Committee with an amended draft policy as appropriate, for the committee to consider and approve.

### **2. REPORT**

- 2.1 The policy has been revised taking into account changes to taxi licensing legislation and guidance.
- 2.2 Since the last policy was adopted there have been changes in respect of a number of requirements including: immigration and right to work checks, tax checks, safeguarding best practice, Equalities Act, and the introduction of the national standards from the Department of Transport on Statutory Taxi and Private Hire Vehicle Standards.
- 2.3 In particular a number of changes have been included following the introduction of the Department for Transport Statutory Taxi and Private Hire Standards. The Department expects these recommendations to be implemented unless there is a compelling local reason not to.
- 2.4 The Licensing Committee considered these new national standards at their meeting in November 2019 and agreed in principle to adopt the standards. This latest policy now fully incorporates these standards.

- 2.5 Although the revised policy is in a new and different format to the former policy, any significant changes introduced as a result of the above changes has been indicated in red text.

### **3. CONCLUSION**

- 3.1 The updated policy takes into account the latest national position in regard to taxi licensing. The Licensing Committee are asked to approve this draft policy for consultation so that feedback can be considered and incorporated into the final policy as appropriate, prior to final approval by the Licensing Committee.

### **4. EXPECTED BENEFITS TO THE PARTNERSHIP**

- 4.1 Consideration has been given to the taxi licensing policies of Boston and East Lindsey Councils. At this time the policies have some minor inherent historic differences but longer term these will be rationalised through the Partnership and through the national drive to harmonise licensing standards.

### **5. IMPLICATIONS**

#### **5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP**

- 5.1.1 None

#### **5.2 CORPORATE PRIORITIES**

- 5.2.1 The taxi policy strongly links into the corporate priorities: Your Place; Your Health and Wellbeing; Your Opportunity

#### **5.3 STAFFING**

- 5.3.1 Changes to the policy reflect national changes in legislation, guidance and policy. Additional checks on drivers, vehicles and operators are now required which impact on staffing resource. Senior Leadership Team have approved additional resource and recruitment is underway/

#### **5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS**

- 5.4.1 This policy review is within legal and constitutional parameters and the Monitoring Officer has been consulted.

#### **5.5 DATA PROTECTION**

- 5.5.1 There are no new data protection implications arising from this policy review. A Data Impact Assessment was carried out in respect of the NR3 National Register of Taxi Licensing Revocations and Refusals

#### **5.6 FINANCIAL**

- 5.6.1 Taxi licensing fees are required to be set to recover costs and so fees will be reviewed in due course to ensure that they reflect actual costs to the Council.

#### **5.7 RISK MANAGEMENT**

- 5.7.1 None

## 5.8 STAKEHOLDER / CONSULTATION / TIMESCALES

5.8.1 The draft policy will be published in the licensing section on the Council's website for the duration of the 12 week consultation. All licensed drivers and operators will be contacted regarding the consultation along with other interested parties such as the police, access groups and other organisations.

## 5.9 REPUTATION

5.9.1 The Council should ensure that they are working towards an up-to-date taxi licensing policy. Failure to do so could lead to reputational risk.

## 5.10 CONTRACTS

5.10.1 None

## 5.11 CRIME AND DISORDER

5.11.1 Taxi licensing is governed by legislation which includes some criminal offences for illegal activities. Criminal record checks through the Disclosure and Barring Service (DBS) are also carried out as part of the driver and operator licensing procedure.

## 5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.12.1 The policy includes a robust approach to safeguarding including ongoing checks on drivers and compulsory training.

## 5.13 HEALTH AND WELL BEING

5.13.1 None

## 5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.14.1 Vehicle age standards are addressed within this policy which link directly to vehicle emissions. Commitment is provided within this policy to support work to encourage low emission and electric vehicles.

## 5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

<b>MISSIONS</b>	
<b>This paper contributes to the follow Missions outlined in the Government's Levelling Up White paper.</b>	
<b>Transport Infrastructure</b>	By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing. The new policy recognises that the taxi trade is an important part of the transport infrastructure.
<b>Pride in Place</b>	By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing. The policy recognises the service that taxis provide to the company and aims to ensure that this is of a high quality, safe and reflects well on the District.
<b>Crime</b>	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas. The policy includes robust measures to protect the public and taxi trade against crime.

## 6. ACRONYMS

### 6.1 None

<b>APPENDICES</b>	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Draft Revised Taxi and Private Hire Vehicle Licensing Policy

<b>BACKGROUND PAPERS</b>
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

<b>CHRONOLOGICAL HISTORY OF THIS REPORT</b>
None

<b>REPORT APPROVAL</b>	
Report author:	Donna Hall Donna.Hall@sholland.gov.uk
Signed off by:	Christian Allen, Assistant Director Regulatory
Approved for publication:	Portfolio Holder for Public Protection

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Draft Revised Hackney Carriage and Private Hire  
Licensing Policy

March 2023

<b>Contents</b>	
<b>Section 1 Introduction</b>	4
Policy scope	4
South Holland	4
Powers and Duties	4
Consultation and Revision	5
The Licensing Regime	5
Hackney Carriage and Private Hire Trade	6
Information Sharing	7
Decision making	7
Immigration Act	7
Passenger Transport	8
Policing and Crime Act 2017	8
Complaints	8
<b>Section 2 General Provisions for Hackney Carriage and Private Hire Vehicles</b>	9
Vehicles General	9
Appearance	10
Advertising	10
Insurance	10
Safety Equipment	11
CCTV in licensed vehicles	11
Maintenance of vehicles	12
Vehicle Testing	12
Retesting of licensed vehicles	12
Accidents	13
Requirements to take additional tests	13
Unfit Vehicle Notices	13
Taximeters	13
Transfer of ownership of the vehicle	14
Accessibility of vehicles	14
Trailer, Roof and Bike Carriers	14
Funeral and Wedding Vehicles	15
Limousine and speciality vehicles	15
Carrying Children and Babies in Hackney Carriage and Private Hire Vehicles	16
Private hire exemption to display licence plate etc.	16
Rights of Appeal	17
Cautionary Advice	17
<b>Section 3 General Provisions for Hackney Carriage and Private Hire Drivers</b>	18
Drivers General	18
Suitability of Drivers	19
English Language	19
Medical Requirements	20
Convictions, Cautions and related matters	21
Disclosure and Barring Service (DBS)	22
National Register of Taxi Licence Revocations and Refusals	23
DVLA	23
Wheelchair Assessment Training	23

Application Process	23
New Drivers Checklist	24
Renewal of Drivers Licences	24
Drivers Expectations	25
Exemption certificate	26
Assistance Dogs	26
Obligations of a Taxi Driver to Carry Disabled Persons using Wheelchairs	27
Complaints and Investigations	27
Hackney Carriage Drivers	28
Right of Appeal	28
Immediate Suspension/ Revocation	28
<b>Section 4 General Provisions for Private Hire Operators</b>	29
Application- Suitability of Applicant	29
Suitability of Premises	30
Operators Responsibilities and Obligations	30
<b>Booking and Dispatch Staff</b>	32
<b>Appendices</b>	
Appendix A Vehicle Age Standards	33
Appendix B Hackney Carriage Vehicle Conditions	35
Appendix C Private Hire Vehicle Conditions	44
Appendix D Hackney Carriage and Private Hire Drivers Conditions	51
Appendix E Private Hire Operators Conditions	56
Appendix F Limousine and Speciality Vehicle Conditions	64
Appendix G Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades	70
Appendix H Executive Vehicles	72
Appendix I CCTV specification	75
Appendix J Safeguarding and Driver Training	77
Appendix K National Register of Taxi Licence Refusals and Revocations (NR3)	79
Appendix L Policy Review	83

## **1.0 INTRODUCTION**

### **Policy Scope**

1.1 The purpose of this policy is to provide guidance and information regarding the general approach taken by South Holland District Council when administering its functions within the legislative framework for taxi and private hire licensing. It has traditionally exercised these responsibilities through a number of sets of conditions, byelaws, guidelines and procedures which have been developed and adopted over the years. It is widely considered best practice to create a unified policy that brings together all of these procedures and documents in one overarching policy.

1.2 Hackney Carriages (more generally known as taxis) and Private Hire vehicles play an important part in public transport and are used and relied upon by many. The first purpose of the Local Authority when licensing Hackney Carriage and Private Hire vehicles, Operators and Drivers is to protect the public. The Council is aware that the public should have reasonable access to safe and comfortable Hackney Carriage and Private Hire vehicles because of the role they play in public transport provision.

1.3 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means that it may stand at designated taxi ranks or be hailed in the street by members of the public. Private Hire vehicles must have no more than 8 passenger seats. They must be booked in advance, through an operator, and may not ply for hire in the street. Local Authorities are responsible for the licensing, administration and enforcement of Hackney Carriage and Private Hire vehicles in their area.

1.4 Vehicles which accommodate more than eight passengers are classed as Public Service Vehicles (PSV) and are not covered by the legislation or this policy. The Council has no involvement in the licensing of PSV's, they are the responsibility of The Traffic Commissioner.

### **South Holland**

1.5 South Holland District Council (the Council) is situated in the County of Lincolnshire, which contains seven District Councils in total. The South Holland District Council area has a population of 95,100.

1.6 South Holland District covers a geographical area of 750 sq. km (290 square miles) and is situated in the south-eastern corner of Lincolnshire, which borders the counties of Cambridgeshire and Norfolk. The district is mainly rural and is comprised of 47 towns and villages.

1.7 South Holland District Council has recently joined Boston Borough Council and East Lindsey District Council to form the South and East Lincolnshire Councils Partnership.

### **Powers and Duties**

1.8 This Policy is written pursuant to the powers conferred by the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire matters.

1.9 The Council is, therefore, responsible for the licensing of Hackney Carriages and their drivers together with Private Hire Operators, vehicles and their drivers. This document sets out the policy that the Council will apply when making decisions about Hackney Carriage and Private Hire matters.

1.10 It is expected that licence applicants will have read the conditions and policies prior to making an application for a licence. It is expected that licence holders will comply with the conditions and policies at all times.

1.11 This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption or as may be enacted after the adoption of this policy. Where there are any subsequent changes made to the applicable legislation, or its interpretation by the Courts that conflict with this policy, the conflicting elements shall not apply and will be amended at the earliest opportunity.

1.12 The Licensing Authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required and that drivers are fit and proper to undertake the role. This policy and the imposition of conditions found in the Appendix documents are considered appropriate to address all these aspects. In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy and Appendices.

1.13 In formulating this policy, consideration has been given to local circumstances and national requirements, including the DfT Statutory Guidance (issued under section 177(1) of the Policing and Crime Act 2017) to which licensing authorities must have due regard, and which aims to set minimum standards to directly address safeguarding of the public.

1.14 Every decision, application and enforcement action will be considered on its own merits. The Council may depart from this policy if merited but will provide clear and compelling reasons for doing so.

1.15 The Council will also have regard to the Enforcement Policy when making licensing decisions. This is available on the Council website [Corporate enforcement - South Holland District Council \(sholland.gov.uk\)](http://sholland.gov.uk)

1.16 This policy is not a comprehensive statement of the law, applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.

1.17 It must be noted that vehicles and drivers licensed by different Local Authorities can be used for private hire purposes within this district. These vehicles and drivers are not subject to compliance with the conditions applied by this Authority. But must still comply with their own Local Authority conditions and the general law.

### **Consultation and Revision**

1.18 The Council will consult with stakeholders and relevant agencies prior to the adoption of this policy and will do so for the further continuation and development of the policy.

1.19 This policy and appendices will be kept under review and revised as appropriate and in any event, not less than every five years. The Council expects licence holders to comply with its terms and conditions.

### **The Licensing Regime**

1.20 Any person who carries out hire and reward work without the correct licences, would be breaking the law and therefore would not have valid insurance. This can have serious consequences for all parties involved, if an accident or incident occurs.

1.21 In order to be licensed correctly the licenses must 'match', i.e. issued by the same Local Authority. A hackney carriage vehicle and the driver must be licensed by the same Local

Authority. For private hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator licensed by a different Local Authority.

1.22 The legislation places a duty on the Local Authority to only licence those who are considered to be 'fit and proper'. The term 'fit and proper' is not defined in legislation therefore the widest interpretation will apply.

1.23 In setting this policy, the Council has taken into account and adopted the Statutory Taxi and Private Hire Vehicle Standards (July 2020) [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)

1.24 Other general law is also applicable such as the Road Traffic Act, Health and Safety at Work etc Act, the Health Act, the Equality Act etc. This is not a definitive list and not all applicable legislation is enforced or regulated by the Council. The Council expects licence holders to ensure that they keep up to date and comply with all applicable legislation pertaining to their roles.

### **Hackney Carriage and Private Hire Trade**

1.25 The Council recognises the importance of hackney carriage and private hire vehicles, drivers, proprietors and operators. They play an essential role in the provision of local transport for those who have difficulty getting about on public transport, those enjoying the night time economy, taking children to school etc.; and are vital in helping to maintain a healthy local economy. They can often be the first contact for a visitor to the local area.

1.26 Whilst the general public do not always know the difference between a hackney carriage and a private hire vehicle, and often refer to both as taxis, there are significant distinctions in law, on how they are allowed to operate. However, both have equal importance.

1.27 Within the district in which a hackney carriage vehicle (and driver) are licensed, they are available for immediate hiring, they can be hailed (or flagged) in the street, can wait on a rank and be approached directly by a member of the public i.e. 'ply for hire' in public places. They are not required to be booked via an operator. They must display a table of fares within the vehicle which shows the current maximum fares to be charged as set by the Local Authority. In law, these are allowed to be called 'taxis' or 'cabs'. Hackney carriages licensed by another Local Authority who operate within this district cannot ply for hire or wait on ranks. They may however be used for private hire purposes, i.e. carry out pre-booked journeys.

1.28 A private hire vehicle is not allowed to accept direct bookings from the public. They can only accept bookings from a licensed operator, they cannot operate independently, i.e. without a licensed operator. They cannot be hailed in the street or wait on ranks. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and potentially driving without valid insurance.

1.29 The fares charged for private hire are not regulated by the authority, but must be agreed with the operator at the time of booking. Although, within the district, where a private hire vehicle has a taximeter fitted, the fare charged cannot be more than would be charged by the taximeter fare. They are not allowed to use the term 'taxi' or 'cab'. In determining if a vehicle is being used for private hire purposes and needs to be licensed, the Council will have regard to the guidance issued by the Department for Transport [Private hire vehicle guidance note \(publishing.service.gov.uk\)](#)

## **Information sharing**

1.30 The Council works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, Driver and Vehicle Standards Agency (DVSA), Department of Work and Pensions (DWP). The Council will share information with other departments, regulatory bodies and other licensing authorities where appropriate. An Information Sharing Agreement is provided on the Council website. The Council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences. The legislation also requires Local Authorities to maintain a public register.

1.31 The Council will work with neighbouring authorities and report to them any relevant matters that relate to their licence holders.

## **Application Process and Decision making**

1.32 Each application and enforcement action will be determined on its own merits. Determination of applications will be made in accordance with this policy and the Council's constitution. Officers have some delegated powers, but may also refer certain matters to the licensing committee if appropriate.

1.33 The Licensing Committee will appoint a Licensing Panel, which will consist of three members. The Licensing Panel will be advised by a legal representative. Where an application is referred to the Licensing Panel for consideration, the applicant will be notified in writing of the reason and the date, time and venue of the Hearing.

1.34 Enforcement actions will be taken in accordance with this policy, the Council's Enforcement Policy and the Regulators' Code 2014.

1.35 Any person who has been refused a licence, or has had their licence revoked or suspended, or who believes that the imposition of a condition is unfair, may appeal to the magistrate's court within 21 days of being given the decision.

1.36 For all applications, it is the responsibility of the applicant to ensure that the application they submit to the Council is complete, with all necessary information, attachments and fees provided at the same time. The Council will not process, or begin to process, an incomplete application. Where information is submitted late, this will be the date upon which the application is considered to be 'properly made'. Processing of the licence will then begin in-line with normal timescales. The Council will not be responsible for any implications arising from a late application, for example a licence expiring as a result, nor will it push the application up the list ahead of other applicants. It is therefore extremely important that all applicants anticipate the expiry of their licence, or the need for a new licence and begin the process of obtaining their various checks and supporting documents in plenty of time. New applicants should not commit to undertaking work that requires their new licence.

## **Immigration Act**

1.37 The Council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licenses will be undertaken in accordance with the requirements of the Immigration Act 2016 with due regard to Home Office guidance.

1.38 The Council takes this responsibility seriously and has checks in place to ensure compliance with the Act and will liaise where required with relevant Home Office departments.

If however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the Council within 7 days.

1.39 A licence may be suspended or revoked or refused to be renewed if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.

1.40 Proprietors and operators also have an obligation to ensure that they only utilise persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment.

### **Passenger Transport**

1.41 To become an approved operator for children's transport, applicants must contact the Lincolnshire County Council Passenger Transport Team and meet any requirements that they impose.

### **Policing and Crime Act 2017**

1.42 The council will give full regard to the guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. The revised policy includes amendments in line with the DfT Statutory Taxi & Private Hire vehicle Standards July 2020.

1.43 The statutory guidance recommends the adoption of several minimum standards to better protect children, vulnerable adults and the wider public when using taxis and private hire vehicles. [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447212/statutory-taxi-and-private-hire-vehicle-standards-july-2020.pdf)

### **Complaints**

To make any complaint regarding any hackney carriage or private hire matter please make your complaint in writing to the Councils Licensing Team:

Licensing  
South Holland District Council  
Council Offices  
Priory Road  
Spalding  
Lincs PE11 2XE

Email: [licensing@sholland.gov.uk](mailto:licensing@sholland.gov.uk)



## **2.0 GENERAL PROVISIONS FOR HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

### **Vehicles General**

2.1 The maximum duration of a vehicle licence is one year, this is a requirement of legislation. However, a vehicle licence can be renewed up to the age at which it will be de-licensed as specified in the relevant appendices.

2.2 If a renewal application has not been received at the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes. Any vehicle which has not renewed before the expiry of the licence will be classed as de-licensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle. Exceptions may be made, if the vehicle is undergoing major repair work and evidence can be provided of this.

2.3 It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner and before the expiry of the licence to avoid the unnecessary burden of a vehicle being de-licensed. Timescales for submission of applications prior to the expiry of the licence are provided on the relevant pages on the Council website.

2.4 Once a vehicle is licensed as either a private hire vehicle or a hackney carriage vehicle it remains a licensed vehicle until it is de-licensed. This means that these vehicles can only be driven by licensed drivers. The only exception to this is where an applicant is undertaking a test, or the vehicle is being tested e.g. driven by a garage mechanic. Therefore any other person who is not a licensed driver themselves, is not permitted to drive licensed vehicles, even when the vehicle is considered 'off duty'. Insurance policies are usually invalid if the insured is knowingly breaking the law by driving the vehicle.

2.5 Vehicles which accommodate more than 8 passengers cannot be licensed as a hackney carriage or private hire vehicle.

2.6 The Council has vehicle age standards for licensed vehicles. These should be referred to before obtaining a new vehicle and are available at Appendix A.

2.7 The Council has set conditions applicable to the testing requirements, internal and external specifications, of the vehicles it will licence. These can be found on the appendices attached, Appendix B contains the hackney carriage vehicle conditions, Appendix C is the conditions for private hire vehicles.

2.8 There is a separate set of conditions applicable for Limousines and speciality vehicles, licensed as private hire vehicles, which can be found at Appendix G. These appendices also provide detail on vehicle specification, design, vehicle age limits, types of vehicles etc. that may be licensed.

2.9 The Council has set these conditions to ensure that the public travel in safe, comfortable and roadworthy vehicles. All vehicles must also conform to the type approval and the Road Vehicles (Construction and Use) Regulations 1986.

2.10 Whilst each application will be determined on its own merits, it is unlikely that the Council would licence a vehicle which did not meet the licensing standards and specifications. There are some provisions within the policy where a vehicle is in exceptional condition. Details on exceptional conditions of vehicle can be found included within Appendix A.

2.11 All vehicles must provide adequate heating and ventilation systems for the driver and passengers. Passengers must be able to operate the windows independently.

2.12 All expired plates must be returned to the Council without delay.

2.13 All licensed vehicles must comply with the requirements of the Health Act 2006 and display a no smoking sign. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the Council also forbids the smoking of electronic cigarettes, vaping and electronic nicotine delivery systems (ENDS) in licensed vehicles, whether by the driver or passengers.

### **Appearance**

2.14 Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers and operators must ensure that the vehicles they utilise, meet the expectations of this Council and the travelling public.

2.15 The exterior of the vehicle must be reasonably clean to ensure that passengers can get in and out of the vehicle without fear of getting their clothing dirty with dust, oil, mud and other road debris. Drivers are also reminded to ensure that the licence plate and registration plate remain clean and visible.

2.16 Any vehicle damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for hire and reward purposes, until the vehicle has been suitably repaired.

2.17 All licensed vehicles must display the licence plate on the outside at the rear of the vehicle, unless it is a private hire vehicle that has been granted a plate exemption certificate. The licence plate must be securely fixed to the outside of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised Council officer or police officer.

2.18 Private hire vehicles must display on the rear passenger doors in a prominent location, permanently affixed door signage. The signage will be provided by the Council.

### **Advertising**

2.19 A private hire vehicle may display advertising but any form of advertising so displayed shall not be of such appearance or design as to lead any person to believe it to be a hackney carriage.

2.20 Whilst there are no specific restrictions to advertising on hackney carriage or private hire licensed vehicles, operators/ drivers should not place any form of advertising on windows which may impede the drivers or passengers visual line of sight or cause discomfort. Similarly operators/drivers are expected to ensure that any advertising material displayed on or in the vehicle is decent, non-controversial or non-offensive to any person or organisation.

### **Insurance**

2.21 It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that company. If drivers work for multiple operators, all

parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.

2.22 Applications for new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hire and reward purposes. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims.

### **Safety equipment**

2.23 All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency.

2.24 The fire extinguisher must be a 1kg or 2kg Multi-Purpose dry power fire extinguisher to BS EN3 standard. It should be securely fixed but remain readily accessible without delay and the responsibility of the driver to ensure that they are able to use the fire extinguisher in their vehicle.

2.25 The vehicle must have emergency equipment within the vehicle which is available to the driver that is maintained and working. This must include as a minimum requirement:

- a torch
- a warning triangle that meets European Standards
- Florescent and reflective tabards which are for use at night and in poor visibility which meets European Standards, one must be available for the driver and one for each passenger the vehicle is permitted to carry.

2.26 The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.

### **CCTV in licensed vehicles**

2.27 The installation of CCTV in licensed vehicles can be both a deterrent and a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations.

2.28 The installation of CCTV in licensed vehicles is not imposed as a condition. Whilst the Council understands the benefits to the trade, as well as to passengers, and encourages its use in licensed vehicles, it is left to the judgement of the proprietors, drivers and operators to determine.

2.29 Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles, they must notify the Council prior to installation. They must be registered with the Information Commissioner's Office (ICO) and comply with all aspects of data protection and CCTV codes of practice.

2.30 CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle

construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.

2.31 CCTV must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to a threat of physical violence.

2.32 The CCTV specifications for hackney carriage and private hire vehicles can be found at Appendix I.

### **Maintenance of vehicles**

2.33 Licensed vehicles have high usage and mileage and it is in the public interest, as well as the drivers, to ensure that vehicles are properly maintained.

2.34 Maintenance is a key factor with any vehicle and its good practice for all licensed vehicles to be part of a planned preventative maintenance programme, where all vehicles are routinely serviced to ensure safety and quality. The Council expects this level of commitment from drivers and operators. It should be noted that the requirement for 12 monthly tests carried out by the approved vehicle testing stations is to confirm a level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.

### **Vehicle Testing**

2.35 The law requires all vehicles to have a yearly MOT test from three years old. However, as licensed vehicles provide a service to the public and have more usage, wear and tear, it is appropriate to subject these vehicles to a more stringent and enhanced test than the standard MOT test. Prior to licensing any vehicle, it must have passed this enhanced test at the Council's appointed testing station which is known as a Certificate of Compliance.

2.36 The vehicle, must have a compliance test (certificate of compliance) that is no more than two months old at the time the application is made.

2.37 All compliance tests must be carried out at one of the Councils approved vehicle testing stations.

2.38 A list of the Councils approved testing stations can be found on the Council website Proprietors/drivers must make sure that they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing requirements set out in the conditions.

### **Retesting of licensed vehicles**

2.39 A vehicle that fails a compliance vehicle test / inspection during the currency of a licence must have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to do so will lead to the automatic revocation of the vehicle licence.

2.40 Where a licensed vehicle has failed a compliance test at one of the Councils approved vehicle testing stations the vehicle is required to be retested at the same garage to ensure that all faults identified have been rectified and the vehicle is confirmed as compliant.

## **Accidents**

2.41 Any accident that causes damage to the vehicle, which materially affects the safety, performance, appearance, or the comfort or convenience of the persons carried therein, must be reported to the Council as soon as reasonably practicable and in any case within 72 hours. Failure to report an accident within the given timeframe is an offence.

2.42 The driver involved in the accident must provide details to the licensing department of how, where and when the accident occurred and complete a vehicle accident form. Where the vehicle is not capable of being driven, photos of the vehicle and damage must be taken and given to the licensing department with the accident form and vehicle's licence plate and a vehicle suspension notice will be issued.

2.43 Drivers, proprietors and operators are advised that the Council may be contacted by insurance companies to verify an accident damage report and details provided.

2.44 A replacement vehicle may be used until an accident vehicle has been fully repaired and passed the relevant requirements. Replacement vehicles must first be passed as fit for service by a Council's approved vehicle testing station and must meet all the other requirements and standards applicable. They will be required to apply as a new licensed vehicle. Vehicle licence plates and the licence must be returned once the vehicle is no longer in use.

## **Requirements to undertake additional tests**

2.45 A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required, at the discretion of an Authorised Officer of the Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the operator/driver.

## **Unfit Vehicle Notices**

2.46 A notice can be issued by an Authorised Officer or Police officer where a vehicles defects give cause for concern.

2.47 Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a notice is issued the vehicle must not be used for hire, with immediate effect. The vehicle must be presented to either an officer or one of the Council's approved vehicle testing stations with the faults rectified. Only after this will the notice be lifted at which point the vehicle can then be used for hire.

2.48 If the authorised officer or police officer is not satisfied within 2 months of the initial inspection that the defects have been rectified, the vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf.

## **Taximeters**

2.49 All hackney carriages licensed by this authority are required to have a working taximeter fitted in the vehicle, some private hire vehicles are also fitted with a taximeter. Where a taximeter is fitted, it must be calendar controlled, must not be set at a higher fare than the current maximum fare as agreed by the Council. The taximeter must be sealed and approved by one of the Councils approved vehicle testing stations.

2.50 Within the district, if a vehicle is fitted with a taximeter it must be used when conveying passengers, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

2.51 Taxi meters are required to be fully tested for the following reasons:

- When a vehicle is first licensed as a taxi or private hire vehicle;
- When a taxi meter is changed;
- When the Table of Fares is changed;
- When the seal is found to be broken / irregular during a check;
- When an irregularity is reported / found as a result of a customer complaint or enforcement spot check.

### **Transfer of ownership of the vehicle**

2.52 If a proprietor wishes to transfer ownership of a licensed vehicle, they must complete the required application, providing full details of the new owner of the vehicle as soon as practically possible, and in any case no less than 14 days before the transfer is to take place. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

### **Accessibility of vehicles**

2.53 This Council seeks to support an accessible public transport system where people with disabilities have the same opportunities to travel as other members of society. The Council expects that proprietors, drivers and operators give full consideration to the service they provide to ensure they provide service to all members of society without discrimination. All licensed drivers must ensure that no extra charges are applied for conveying persons with disabilities. A failure to comply with this requirement will be treated as a breach of the licence conditions.

2.54 All hackney carriages licensed by this Council are required to be designated wheelchair accessible vehicles (WAV). This is to ensure that people with disabilities are able to hire the vehicle on the spot with minimum delay or inconvenience.

2.55 All licensed vehicles must convey assistance dogs for no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for and been issued an exemption certificate. Further information can be found here: [Wheelchair Accessible Taxis - South Holland District Council \(sholland.gov.uk\)](http://sholland.gov.uk)

2.56 The Council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.

2.57 Any vehicle fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards and must be retested every six months as per HSE (Health and Safety Executive) requirements.

### **Trailers, roof and bike carriers**

2.58 The use of trailers is permitted provided that they are only utilised for pre-booked journeys when excess luggage is to be carried and not for general use. Trailers will therefore be required to be presented for test by an approved vehicle testing station. The trailer will also need to display and make clearly visible an additional registration plate and a licence plate which will be provided by the Council on payment of the appropriate fee.

2.59 The trailer must comply with all aspects of current legislation and be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle. The trailer must be tested prior to its first use and again at each inspection of any vehicle on which the trailer is authorised to be used. If found to be satisfactory a permission by the garage will be allowed for one year.

2.60 The trailer must be purpose built and manufactured for the purpose of which it was intended. The tow bar and fitting must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.

No advertising will be permitted on any part of the trailer.

2.61 The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use. The trailer must be of a design that when coupled to the vehicle, does not interfere with the operation of any rear door, emergency exits or wheelchair access ramps.

2.62 The trailer must be hard bodied and be fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid on to any luggage being carried. The trailer shall be covered at all times whilst in transit.

2.63 The trailer must be plated by the manufacturer specifying the maximum load to be carried. The kerbside weight of the trailer when fully laden should not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.

2.64 A trailer is not permitted on a hackney carriage rank.

2.65 It is the driver's responsibility to ensure that he/she holds the appropriate category DVLA licence.

2.66 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it must be a type fitted to the guttering or to the roof rails provided by the vehicle's manufacturer. The roof carrier to be used must be provided with the vehicle when it is tested by one of the Council's appointed testing stations.

2.67 The use of bicycle carriers is prohibited on a licensed vehicle.

### **Funeral and wedding vehicles**

2.68 There is no requirement for a vehicle to be licensed as a private hire vehicle if 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.

2.69 There is no requirement for a vehicle to be licensed as a private hire while it is being used in connection with a wedding.

### **Limousine and Speciality Vehicles**

2.70 Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be vintage, specialist, or stretched vehicles. Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as private hire vehicles and all bookings must be made via a licensed operator.

2.71 These are specialist types of vehicles with their own set of conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The conditions can be found at Appendix F.

2.72 The Council strongly recommends that anyone wishing to purchase and licence a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

### **Carrying Children and Babies in Hackney Carriage and Private Hire Vehicles**

2.73 Hackney Carriages and Private Hire vehicles are not required by law to carry child car seats. A child aged 3 or over can travel on a rear seat and wear an adult seat belt. Children under 3 must also travel on a rear seat but without a seat belt.

2.74 The Council makes a recommendation that where a journey is pre-booked and children will be expected to travel that a safe and suitable car seat is made available for the child.

### **Private hire exemption to display licence plate etc.**

2.75 The Council recognises that there is a specialist market for the use of unmarked hire and reward vehicles. For example, executives who wish to give the appearance of using a chauffeur driven car, or who require an unmarked vehicle for security reasons. Such customers will expect these vehicles to be prestige high specification vehicles and will also expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.

2.76 The ability to exempt a vehicle from displaying the licence plate only applies to private hire vehicles, it does not extend to hackney carriages which must display their plates at all times.

2.77 Prestige high specification private hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption certificate, which exempts that vehicle from the requirement to display the rear licence plate and door signage. It also exempts the licensed driver from wearing his badge, however the driver must carry his badge with him so that it is immediately available. The vehicle will still be issued with an exemption internal licence plate. Insurance which covers the driver and vehicle for hire and reward purposes must still be maintained.

2.78 Vehicles which have been issued with an exemption certificate must not be used for general daily private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.

2.79 Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.

2.80 Operators and proprietors who wish to apply for an exemption certificate must complete the application form, pay the required fee and provide sufficient supporting documentation to establish the vehicle will be solely used for executive bookings. Where issued, an exemption certificate renewal date will coincide with the renewal of the private hire vehicle licence.

2.81 There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra



conditions, then these extra conditions shall prevail. The extra conditions can be found at Appendix H.

2.82 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the certificate must be surrendered and returned to the Council. If the vehicle is still licensed, it must then display a private hire internal plate and rear plate and door stickers as required by the conditions for private hire vehicles.

### **Right of Appeal**

2.83 The Council may suspend, revoke or refuse to renew a Hackney Carriage vehicle licence on the following grounds:

- a) The vehicle is unfit for use as a licensed hackney carriage/private hire vehicle.
- b) The proprietor or driver has committed an offence under or failed to comply with the provisions of the relevant Acts.
- c) Any other reasonable cause.

The Council must give notice of the grounds for doing so within 14 days.

2.84 Any person aggrieved by the refusal of the Council to grant a vehicle licence has the right of appeal. An applicant appealing a hackney carriage vehicle licence has a right of appeal to the Crown Court only. An applicant appealing a private hire vehicle licence has a right of appeal to a Magistrates' Court. An appeal must be implemented within 21 days of receipt of the notice.

2.85 Please note that failure to comply with any of the vehicle licence conditions including the general conditions relating to licensed vehicles may result in the commencement of criminal proceedings, and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence

### **CAUTIONARY ADVICE**

2.86 You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the vehicle examiner at one of the Councils appointed testing centres. The Licensing team are not qualified to make technical assessments and are unable to offer such advice. If a vehicle does not meet the conditions and specifications, it is unlikely that a licence will be granted.

### 3.0 GENERAL PROVISIONS FOR HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

#### Drivers general

3.1 The Council will only issue a dual drivers licence, which entitles the qualified driver to drive either a Hackney Carriage or Private Hire Vehicle.

3.2 The council can only licence drivers that it considers are 'fit and proper' to hold a licence, and that the applicant is not disqualified by reason of their immigration status. There is no definition or general test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgement for the licensing authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information. A person with convictions or warnings for offences that relate to dishonesty, crimes against another person such as assault, or convictions for dangerous driving, are unlikely to be able to obtain a licence.

3.3 The Government have suggested posing the following question when considering whether an applicant or licensee is fit and proper:

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 is "no", the individual should not hold a licence. (DFT Statutory Taxi and Private Hire Vehicle Standards 2020)

The Council will therefore require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be, or remain, licensed.

3.4 Applicants and existing licence holders are required to share information held about them by various bodies, such as DVLA, the police, medical information, right to work, immigration status, tax registration etc. The council can request any information it deems may be relevant to determine their fit and proper status. This may include checking a driver's prior history with this or any other council, using intelligence from the police or any other regulatory authority as appears relevant.

3.5 In order to be eligible to apply to be a licensed driver, an applicant must have held a valid full GB driving licence (or equivalent as defined by DVLA) for a minimum of 12 months. The minimum age therefore that a person could be eligible to apply is 18 years old. There is no maximum age, so long as the applicant still meets the full criteria.

3.6 In order to be a licensed driver an applicant must submit a signed completed application form and fee, provide proof of right to work in the UK, complete an approved drivers course as stated by the council, provide a satisfactory DBS, DVLA and group 2 medical report, provide a tax registration check, language proficiency check, provide a recent passport type photo, and pass the wheelchair assessment test.

3.7 Driver's licenses are generally issued for a three year duration. They may be issued for a lesser period if appropriate, e.g. the applicant's right to work is of a shorter or limited duration.

3.8 It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time to avoid any unnecessary delay. Applications submitted after the expiry of the licence would be treated as a new driver application.

3.9 It is important that drivers notify the council of any significant changes which occur after their licence has been granted. Such as change of name or address, or email address or telephone number, change of immigration status, changes in their physical or mental health which may affect their driving ability, all convictions, cautions or arrests, DVLA penalty points etc. or any other matter which may question their fit and proper status. Failure to do so will be taken seriously and dealt with accordingly.

3.10 All licensed drivers are required to wear their drivers badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and local byelaws. Drivers are reminded that the driver's badge remains the property of the Council, all expired, surrendered or revoked badges must be returned to the council without delay.

### **Suitability of driver**

3.11 Licensed drivers are in a position of trust and will come into contact with vulnerable people and may have access to sensitive information, therefore the council must fully assess an applicant's suitability prior to and after issuing a licence. The council requires applicants to fulfil certain criteria to ensure that the public are protected and drivers are able to provide the service which is expected of them.

3.12 Consideration of suitability includes character and patterns of behaviour and are not limited to incidents which occur whilst the driver is 'on duty'. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk, will also be taken into account when assessing their fit and proper status. The onus is on the applicant or licensed driver to satisfy the council that they are and remain 'fit and proper'.

3.13 Applicants will be required to undertake and provide an Enhanced DBS (Disclosure and Barring Service) check and a medical health check to the DVLA group 2 standard, and share information held by DVLA, upon new and renewal applications. More information on these is provided further on in the policy.

3.14 Applicants for new and renewals, who fail to report or declare an offence, or other relevant matter, will be taken particularly seriously, as it prevents the authority from taking into account that information in protecting public safety. It also shows a breach of conditions and will go toward consideration of suitability and their fit and proper status.

3.15 Where Licensing Officers have delegated powers to grant licences, they will utilise the guidelines and this policy when making a decision of whether or not to grant a licence. Should there be any doubt in the Officer's opinion as to whether the applicant is a 'fit and proper person,' then the licence will be referred to the Licensing Panel.

### **English Language**

3.16 It is essential for public safety that all licensed drivers are able to communicate in English at an appropriate level. Drivers need to be able to communicate with passengers to discuss a route or fare, as well as read, understand and respond to important regulatory, safety and travel information. There may also be occasions when a driver needs to communicate with passengers on a safety issue like the use of a seat belt or talk with them in an emergency situation. Drivers also need to understand the conditions of their licence or any notices given by an enforcement officer. Drivers may also need to write to the Council for example to let us know about changes in health or any criminal convictions or perhaps communicate in writing with a passenger who has a hearing impairment.

3.17 It is therefore a requirement for all drivers to ensure that they have adequate English language skills in reading, writing, speaking and listening as it is considered that of these skills are essential to carry out the role.

3.18 A driver must provide evidence as part of their application. Below is a list of examples of suitable evidence you can supply to prove you meet the requirement. The list is not exhaustive. The subject of the qualification does not matter as long as it was taught in English. The certificate must be the original and not a photocopy.

- UK GCSE/O level (or equivalent) certificate at grades A\* to G
- UK AS-Level/A level certificate
- UK NVQ\*/BTEC/City & Guilds qualification, along with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above (for example, a Blue Badge Guide qualification)
- UK BA Hons, BSc Hons degree or higher i.e. master's, PhD
- UK HNC/HND qualification

3.19 A non-UK qualification will be regarded as suitable evidence if it was taught and examined in English. Drivers educated in English outside the UK to the equivalent of GCSE level or above would be sufficient to prove that a driver has the required level of English. A driver providing this evidence will need to provide further information that the qualification was taught and examined in English. A letter from the teaching / examining institution is sufficient for these purposes but any information must be translated into English.

3.20 An applicant will be required to undertake an English language assessment if they cannot provide an example of evidence. A fee will be charged for this assessment. It is expected that an applicant should arrange and take an assessment prior to submission of an application.

## **Medical Requirements**

3.21 It is essential that licensed drivers are in good health as they are expected to carry passengers' luggage, will drive on the road for longer periods than most car drivers, and may need to assist disabled passengers. The council must be satisfied that the drivers it licenses are sufficiently fit to undertake the tasks expected of them.

3.22 Being a licensed driver is a demanding role, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power and control etc. Due to the length of time an occupational driver (hackney carriage and private hire) spends at the wheel, it is appropriate to have more stringent medical checks and standards than those applicable to normal car drivers.

3.23 The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements. The DVLA group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers.

3.24 To ensure that public safety is protected, the council has chosen to adopt this best practice and require all applicants to obtain and submit a group 2 medical report with their application for new and renewals. Applicants are therefore required to undergo a medical examination by a registered general practitioner and submit the doctor's group 2 medical report with their application, to enable the council to consider their fitness to hold a licence.

3.25 Any applicant must be medically examined by a qualified medical practitioner at the practice where the applicant is registered and must be considered fit enough to meet the standards required for the grant of a Group II driving licence as recommended by the Driver Vehicle Licensing Agency.

3.26 A group 2 medical report must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old.

3.27 Applicants must pay any fees to the registered medical practitioner for completing the medical and report. The medical assessment must be no older than four months at the time of submission with the relevant application.

3.28 Applicants must arrange and book these appointments themselves and provide photographic proof of identity to the registered medical practitioner. If the registered practitioner is unable to complete the vision assessment section of the medical, the applicant must arrange for an optician or optometrist to complete this part.

3.29 Licensed drivers must notify the council and their medical practitioner of any deterioration in their physical or mental health which may affect their ability to drive or complete their tasks as a licensed driver. The council expects licensed drivers to be responsible and to not continue to drive following any deterioration in their health, or any health problems which could endanger the lives of the general public.

3.30 If a licensed driver is involved in an accident in which s/he is injured, they must ensure that they are fit prior to returning to hire and reward work. This is for the safety of the driver and the general public. Drivers who have suffered whiplash must ensure that they have sufficient movement in the neck area to enable them to observe any potential hazards.

### **Convictions, cautions and related matters**

3.31 In considering if a driver is fit and proper, the council will take into consideration any prior convictions and cautions. **In considering an individual's criminal record, the Council will consider each case on its merits, but will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.** All applicants for new and renewals are required to undertake and submit an Enhanced DBS check. This check will detail all criminal convictions and cautions including those that are spent, and other relevant matters which may be held by the police about them. It does not prove an applicant's right to work.

3.32 Due to the type of work performed by licensed drivers, they do not fall under the Rehabilitation of Offenders Act. This means that what would be considered as spent, under the Rehabilitation of Offenders Act, are still taken into consideration when determining applications for licensed drivers.

3.33 Where convictions or cautions appear on a DBS, it is not the place of the council to investigate the reason for that conviction. Whilst mitigating circumstances may have applied at the time of the conviction, the council cannot re-try the conviction. Depending on the offence committed, applicants may be able to demonstrate that it was a 'one off', they acted out of character, so is unlikely to be repeated. Each application will be determined on its own merits.

3.34 Applicants who have not resided continuously in the UK for five years will be required to submit a Statement / Certificate of Good Conduct, authenticated by the relevant embassy of the country of residence, in addition to the Enhanced DBS certificate.

3.35 The existence of a criminal conviction or caution does not necessarily preclude an applicant from obtaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.

3.36 It is the policy of this Council to have regard to the Department for Transport Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades at Appendix G. These periods will be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Council supports the Department of Transport's view that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence.

3.37 Whilst each application is determined on its own merits, some offences are of such a serious nature that it is unlikely that a licence would be issued.

3.38 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before conviction if there is a 'pressing social need'. This ensures that where there is a public protection risk, the police will pass information onto a regulator body to allow swift actions to mitigate any serious safeguarding risk. Please refer to Appendix M for further information on Safeguarding.

3.39 Licensed drivers are required to notify the licensing department **in writing within 48 hours** of any warnings, cautions, convictions, arrests, immigration offences, road traffic offences such as speeding, or any other relevant matters which may question their fit and proper status, that occur during or after the licence has been issued.

3.40 If it comes to the attention of the council that a licensed driver has failed to notify the council of relevant matters which occur during or after the licence has been issued, it will be taken particularly seriously. It shows a propensity towards dishonesty and questions the fit and proper status of the licence holder.

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

3.41 New applicants are required to apply for a Disclosure and Barring Service (DBS) Enhanced check. A DBS Certificate should be applied for in the first instance prior to an application made at the County Council (for a school contract badge). It is an enhanced DBS certificate and will be processed in relation to the child and adult workforce employment position including other workforce. Certificates issued by the County Council will not be permitted for a District Council badge.

3.42 An enhanced DBS certificate issued more than 1 month from the date of application will not be accepted.

3.43 **Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.**

3.44 **The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.**

3.45 If a driver doesn't renew their update service subscription before it ends, they will need to apply for a new DBS check and register for the update service again.

3.46 The Licensing Authority requires all licensed drivers to subscribe to the DBS Update Service and to maintain the annual subscription.

3.47 Licensed drivers will need to retain their DBS Certificate once they have subscribed as this will need to be provided to the officer undertaking the online check.

### **National Register of Taxi licence Revocations and Refusals**

3.48 A national register (NR3) has been set up to improve public safety and confidence in taxi licensing, under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. When this authority revokes a licence for a driver or refuses an application for one, this information will be recorded by this authority on NR3.

3.49 The register will also be checked when processing new applications and renewals as part of the assessment for drivers.

### **DVLA**

3.50 The council needs to ensure applicants hold a valid driving licence and check if they have been issued any penalty points. Applicants and licensed drivers will be required to share information held about them by DVLA via the online process.

3.51 Applicants and licensed drivers are required to register online with the DVLA 'share my licence' portal and provide the access code to the council with their application and upon request. The access code will provide the council with information regarding penalty points etc. As the access code is only valid for a limited duration, drivers may be contacted and requested to provide another code, to enable progression of their application.

3.52 A check will be required annually (each year by the anniversary date of the licence). Failure to provide the access information by the anniversary date of the grant of a licence may result in the suspension or revocation of the driver's licence and referral to the Licensing Panel.

3.53 Consideration of penalty points and driving offences will be made in accordance with the Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades licensing which can be found at Appendix H.

### **Wheelchair Assessment Training**

3.54 Drivers driving a wheelchair accessible vehicle (WAV) (applicable to all drivers driving a Hackney carriage) are required to complete a wheelchair assessment. A fee may be payable for this assessment. All drivers who drive a WAV must be able to demonstrate a sufficient level of competence in the loading and unloading, security and safety of wheelchair users.

3.55 All new drivers and renewals are required to submit a certificate of completion with their application. Drivers renewing their licence are expected to book and complete the assessment prior to submitting a renewal application and before the expiry of their licence.

### **Application process**

3.56 Applicants must fully complete an application and provide the required documentation and fee. Where supporting documentation is required to be submitted, only the original document will be accepted, not photocopies or photographs of the original. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, may be subject to legal action if it constitutes fraud.

3.57 Applicants must be able to prove their immigration status and that they have a right to work in the UK.

3.58 New applicants must complete and pass the drivers standards course.

3.59 Applicants who have criminal convictions, may submit an application with the enhanced DBS check for consideration, prior to completing the rest of the application process. The convictions and cautions will be assessed and the applicant will be provided with an indicative decision. This does not prohibit the applicant from submitting a full application for a formal determination.

3.60 The applicant must pass a driving assessment test, to assess driving ability, safety, control of the vehicle, awareness of controls within the vehicle, without the use of satellite navigation equipment. This course must be booked and arranged by the applicant. Details of providers are available on the website.

### **New Drivers Check list:**

3.61 A new Hackney Carriage/Private Hire driver's licence application must be accompanied by evidence of the following:

- Completion of the drivers training course
- Application form declaring any convictions / endorsements and that the applicant has the right to work in the UK
- Enhanced DBS Disclosure
- An Immigration check
- The National Register for Revocations and Refusals will be checked (Please refer to Appendix N)
- Medical to Group 2 Standards
- Full Driving Licence held for at least 12 months
- Completion of Safeguarding assessment
- 1 Passport Photograph
- Wheelchair Assessment Certificate (Hackney Carriage Vehicle drivers)
- Certificate of Good Conduct may be required
- DVLA authorisation
- Code of Conduct Authorisation
- English language qualification
- **Confirmation in writing you are aware of tax responsibilities** [Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence)

### **Renewal of Drivers Licences**

3.62 Hackney Carriage and Private Hire Drivers licences are issued for three years. Each licensed drivers DVLA licence is checked at least once a year, to ensure drivers still have full entitlements to drive and also to check any endorsements.

3.63 It is a requirement that all licensed drivers are signed up to the DBS update online checking service. A check of driver's disclosure will be made at least once a year.

3.64 Upon renewal all drivers must have renewed their safeguarding training certificate and provide evidence of this. Please refer to Appendix J



3.65 A group two medical is also required every 3 years, if a medical is outstanding at the time of the drivers licence renewal, the licence will not be issued. The driver is required to submit their renewal in good time before the expiry of their licence.

3.66 An immigration check is completed upon renewal.

3.67 A tax check must be completed [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

3.68 If a driver does not fall within officer's delegated powers to grant the licence renewals, the driver will be invited to attend a Licensing Panel for a review of the renewal. It will be a decision of the Licensing Panel as to whether or not to grant the licence.

## **Drivers Expectations**

3.69 The council and the travelling public expect licensed drivers to provide good customer service and behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a written receipt if requested with no extra charge. They should arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to other road users and weather conditions. This includes school contract work, including compliance with the Highway Code in terms of where and how children are picked up / dropped off e.g. not within designated zones protected by relevant markings, unless a specific exemption applies.

3.70 Drivers must be aware of and comply with the conditions applied by this council and other appropriate legislation. Drivers who fail to observe these requirements may be subject to enforcement action.

3.71 Hackney carriage drivers are conditioned by way of Byelaws which are available on request.

3.72 Drivers must not operate any equipment which may distract them whilst driving. Drivers must not cause annoyance to passengers during the journey by playing music or constantly talking on a hands-free mobile phone.

3.73 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.

3.74 Drivers who refuse or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may also be subject to enforcement action by the council.

3.75 The council condemns discriminatory behaviour, which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The council does not have any power over passengers who use licensed vehicles but will give support to the trade where possible. Drivers who experience any of the above behaviour should report it to the police.

3.76 Licensed drivers must ensure that they fully consider the safety of the passenger, other road users, parking restrictions, street furniture and other hazards when stopping to allow a passenger to alight the vehicle.

3.77 Driving for long periods of time, when sleepy or fatigued impairs driving ability, reduces reaction time, vigilance, alertness, concentration, is dangerous and increases the risk of

accidents. Licensed drivers have a duty to make a conscious decision to take regular rest periods, to ensure their own safety and the safety of the travelling and general public.

3.78 Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

### **Exemption certificate**

3.79 Drivers may apply for an exemption certificate if, for health reasons, they are unable to convey assistance dogs due to a medical condition which is for example aggravated by exposure to dogs, or they cannot provide physical assistance to passengers in wheelchairs.

3.80 The council will only consider exemption applications which are accompanied with a medical report signed by a registered medical practitioner. The period of the exemption certificate will be individually determined based on the medical practitioner's recommendation.

3.81 Where an exemption application has been considered and approved by the council, the driver will be issued with an exemption certificate and an exemption notice. The exemption notice must be displayed in the vehicle on the nearside of and immediately behind the windscreen of the vehicle, in a manner that readily permits its removal, so that its front is clearly visible from the outside of the vehicle and its back is clearly visible from the driver's seat of the vehicle, when they are driving. The exemption notice must be removed prior to another licensed driver driving the vehicle. Failure to display the notice could leave the driver open to prosecution, if they then do not comply with the requirements of the Equality Act.

3.82 If an exemption application is refused, the applicant will be informed in writing providing reasons for the decision to refuse. Applicants who have been refused an exemption can appeal the refusal to the Magistrates Court.

3.83 Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption, to avoid any unnecessary distress or delay to passengers.

3.84 Licensed drivers of designated WAV vehicles who fail to comply with the duties under section 165 of the Equality Act may be subject to enforcement action.

### **Assistance Dogs**

3.85 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle. When carrying such passengers, drivers have a duty to:

- a) Convey the passenger's assistance dog and allow it to remain under the physical control of the owner
- b) Not to make any additional charge for doing so.

3.86 Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence revoked.

## **Obligations of a Taxi Driver to Carry Disabled Persons using Wheelchairs**

3.87 The Equality Act 2010 imposes duties on the drivers of designated wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. Drivers of vehicles designated by the council as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate on medical grounds.

Driver's duties are:

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

Mobility assistance is defined as:

- to enable the passenger to get into or out of the vehicle
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- to load the passenger's luggage into or out of the vehicle
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

3.88 The Council can exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied:

- that it's appropriate to do so, on medical grounds, or because
- the driver's physical condition makes it impossible or unreasonably difficult for them to comply with these duties.

## **Complaints and investigations**

3.89 In the interests of public safety, the council has a duty to ensure that licensed drivers remain fit and proper and will intervene where appropriate. Complaints made to the council are recorded and monitored.

3.90 Where serious complaints, which question a driver's fit and proper status are received, they are investigated and appropriate action is taken. The accumulation of several minor complaints about the same driver could highlight that there is a cause for concern. For example there may be a training need, a lack of understanding of conditions or legislation, or a failure to provide good customer care.

3.91 Each case will be determined individually. When such circumstances occur the Driver may be referred to the Licensing Panel for their consideration.

## **Hackney carriage drivers at taxi ranks**

3.92 Hackney carriage drivers waiting on taxi ranks, are required to operate a first in the queue system. So that when a customer approaches, the taxi at the front of the rank will expect to take that passenger. Whilst this system generally works without incident, drivers are advised that the customer may, for whatever reason, choose not to take the first taxi at the rank.

3.93 The customer has the choice in this situation, drivers who, whilst waiting on a rank, refuse or neglect to drive without reasonable cause are committing an offence. Drivers are also advised that it is an offence to leave their vehicle unattended on a rank.

## **Right of Appeal**

3.94 Under S 61 of the Local Government (Miscellaneous Provisions) Act 1976, the council can suspend, revoke or refuse to renew a hackney carriage/private hire driver's licence. The driver has the right of appeal to the Magistrates Court within 21 days.

## **Immediate suspension/ revocation**

3.95 The council has the power under S 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, to immediately suspend or revoke a hackney carriage/private hire drivers licence where it is in the interest of public safety. A procedure has been adopted to ensure this process is carried out fairly and consistently. Following investigation, the decision is taken by the Team Leader or Service Manager in conjunction with the Licensing Committee Chair or Vice Chair. Where the decision is taken to immediately suspend or revoke a licence, the driver must cease immediately. A driver has the right of appeal as stated above.

## **4.0 GENERAL PROVISIONS FOR PRIVATE HIRE OPERATORS**

4.1 The legislation requires any person, who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a private hire operator. The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.

4.2 Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward, is required to be licensed as an operator.

4.3 The legislation requires the authority to only licence operators who are considered to be fit and proper to hold an operator's licence and who are not disqualified by reason of their immigration status.

4.4 All work undertaken by private hire vehicles (and drivers), must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same Local Authority.

4.5 Operators can only utilise drivers and vehicles that are correctly licensed. Operators who fail to ensure that the drivers and vehicles they utilise have valid licenses, are guilty of an offence and will be subject to enforcement action.

4.6 An operator's licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter duration.

4.7 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.

4.8 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operator's licence to the Council within 7 days.

4.9 Licensed operators may accept bookings and may subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.

4.10 Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator. Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection immediately on demand. Further information can be found in the Operator's conditions at Appendix E.

### **Application – suitability of applicant**

4.11 Operators are generally the owners of the private hire business. They have access to private information, are responsible for ensuring they only utilise properly licensed, insured and safe vehicles and drivers, therefore the Council is required to ensure that they are also fit and proper.

4.12 The Council requires applicants to complete the application and submit it with the appropriate fee, with supporting documentation, which will be used to establish that they are

fit and proper to hold an operator's licence. The supporting documents must be the originals, not photocopies or photographs.

**4.13 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing.** Operators (who are not also licensed drivers), are required to submit a basic DBS disclosure, **and a check must be undertaken annually.** The basic disclosure will list any current convictions and cautions, but nothing which is considered spent under the Rehabilitation of Offenders Act.

4.14 Applicants for operator's licences are required to provide details of their name and address. The address where they intend to operate the business, any trade or business activities s/he has carried on before making the application, any prior applications made for an operator's licence, if any prior operator's licence has been suspended or revoked, details of any convictions. This includes any convictions where applicants or those associated in running the business have been convicted of any offences. This is to ensure that those involved in the operation of the business are fit and proper to operate a business.

**4.15 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence. Any decision taken will be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.**

**4.16 A private hire vehicle operator licence may be applied for by a company or partnership; the Council will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators are required to advise the licensing authority of any change in directors or partners.**

4.17 Applicants who intend to operate a radio system will be required to provide proof of their licence from Ofcom.

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

### **Suitability of premises**

4.19 When considering an application for an operator's licence at a new premises, consideration will be given to the location, the vicinity, facilities, parking arrangements, planning permission etc. to ensure that the grant of a licence will not negatively impact on the surrounding area, including businesses, residents and the general public.

4.20 Operators intending to operate from new premises will be required to submit with their application proof of planning permission, or proof that planning permission is not required. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's fit and proper status.

### **Operators responsibilities and obligations**

4.21 Operators are responsible for keeping accurate records of bookings and retaining them for a period of not less than six months. These records must detail required information about each booking taken and fulfilled by the operator. Further information is contained within the operator's conditions attached at Appendix F.

4.22 If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.

4.23 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.

4.24 It is not expected that subcontracting of bookings would be commonplace. Customers who book through an operator licensed in the district would expect a vehicle and driver also licensed by this authority. The conditions and standards applied by other licensing authorities may be different to those applied by this authority, therefore, may not meet the licensing requirements of this authority.

4.25 The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings and the Council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.

4.26 Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioner's Office (ICO). Further information including a self-assessment, can be found on the following links;

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

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

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

4.28 Operators must make customers fully aware of any additional charges which may be applied, e.g. for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and website where available.

4.29 Operators are responsible for ensuring that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this Council. It is expected that operators have a planned maintenance programme in place for all vehicles it utilises. The testing requirements applied by this Council are to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out.

4.30 The Council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.

4.31 Operators who provide wheelchair accessible vehicles must ensure that the driver is appropriately trained to safely load, unload and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.

4.32 Operators must ensure that the drivers they utilise are fit and proper to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness.

4.33 Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

### **Booking and Dispatch Staff**

4.34 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

4.35 All booking and dispatch staff must provide a basic DBS check and the Operator must be able to evidence that they have checked this. DBS certificates should be recently issued, or the operator could use a responsible organisation to carry out the check on their behalf. [Check someone's criminal record as an employer: Get a basic DBS check for an employee - GOV.UK \(www.gov.uk\)](#) . Prior to taking bookings or dispatching vehicles, the Operator should require the individual as part of their employment contract, to advise them of any convictions while they are employed in this role.

4.36 Operators must maintain a register of all staff that take bookings or dispatch vehicles. This must be a "living document" that is kept up-to date and is available for inspection for 1 year.

4.37 If the Operator outsources booking and dispatch functions, they are required to evidence that comparable protections are applied by the company to which they are outsourcing to.

4.38 Operators are required to provide the licensing authority with a copy of their policy on employing ex-offenders in booking and dispatch roles that would be on the required register mentioned above. As with the threshold for operators licences, those with convictions provided in Appendix H, other than convictions relating to driving, would not be suitable, for example to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.



## APPENDIX A

### Vehicle Age Standards

The purpose of these standards are to ensure Hackney Carriage and Private Hire vehicles are as safe, reliable and comfortable as possible. The standards also aim to have a positive impact on emissions as it is recognised that the age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted.

#### Vehicle Age

**At first application** – A new licensed vehicle must be less than 5 years old from the date of the first DVLA registration.

**At renewal** - Vehicle licences will not be renewed in respect of any licensed vehicle that was first registered more than 10 years prior to the date of renewal or 12 years in the case of purpose-built or fully wheelchair accessible vehicles. This applies where a vehicle is currently licensed and there is no break in licensing.

A vehicle may be considered for a licence renewal beyond these upper age limits if it is in ‘**exceptional condition**’. The criteria for meeting this standard are below.

#### Exceptional Condition Criteria

A vehicle will be considered to be in ‘exceptional condition’ if **ALL** of the following apply:

1. The vehicle must not have failed the Council’s vehicle inspection or standard MOT on any significant item within the previous five years. For the purposes of this criterion, a significant item is defined as any item that would cost more than £30.00 to correct.
2. The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
3. The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
4. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
5. The boot or luggage compartment is in good condition, clean and undamaged.
6. Passenger areas are free from damp and any unpleasant odours that may cause passenger discomfort.
7. The vehicle is in excellent mechanical condition and in all respects be safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
8. The vehicle must have a complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer’s service specification.
9. The vehicle passes the Council’s vehicle inspection.

The first eight criteria will be checked by an officer of the Council and the proprietor of the vehicle must provide all the necessary documentation to support their request for a vehicle licence to be granted outside of this policy. An appointment will need to be made for this and a fee will be charged.

Exceptional means exceptional overall when measured against any vehicle, not just exceptional for its age and mileage.

If the first eight criteria are satisfied then the proprietor of the vehicle must book and pay for the Council's approved vehicle inspection from a nominated garage and produce the pass certificate to the Council.

### **Low Emission and Electric Vehicles**

The Council encourages the uptake of ultra-low emission vehicles within the District in line with Government ambition as set out in the DfT The Road To Zero Strategy. [The Road to Zero \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk) The authority will seek to examine the feasibility of introducing schemes which help improve the charging network and assist drivers and operators to make decisions when purchasing new vehicles.

## **APPENDIX B**

### **Hackney Carriage Vehicle Licence Conditions**

No vehicle will be authorised as a Hackney Carriage Vehicle unless it conforms with the requirements as set out within this document unless; where justifiable reasons exist the committee may decide to approve the vehicle.

Hackney carriage vehicles are subject to comply with the conditions attached to a licence and to the Council's bylaws in respect of hackney carriages.

Vehicles offered for Hackney Carriage approval must be constructed in a way as to allow the carriage of disabled persons and must accommodate as a minimum, a disabled person in a Department of Transport reference wheelchair in the passenger compartment.

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made once a vehicle has been inspected and a licence granted, at any time while the licence is in force and at all times the vehicle shall comply with the conditions of the Council for a licensed Hackney Carriage. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

The vehicle must meet the criteria set out in the Council's Vehicle Age Standards. Please see Appendix A.

Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.

#### **General Construction**

Every new type of Hackney Carriage Vehicle must comply with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of approval including the Motor Vehicle (Type Approval) Regulations 1980, and the Motor Vehicles (Construction and Use) Regulations 1984.

Every new type of Hackney Carriage Vehicle offered for approval must comply in all respects with British and European vehicle regulations and be "type approved" to the requirements of the M1 category of European Whole Type Approval Directive 70/156/EEC as amended. Those Hackney Carriage Vehicles which have not been "type approved" to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of those categories.

No equipment and/or fittings, other than those approved by the Local Authority may be attached to, or carried on the inside or outside of the vehicle.

No modification may be carried out to a Hackney Carriage Vehicle without prior approval from the Licensing Authority.

#### **Steering**

The steering wheel must be on the offside of the vehicle.

#### **Tyres**

All tyres must comply with the relevant legislation and be marked accordingly.

Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.

### **Spare Wheel**

A spare wheel shall be fitted and carried at all times the vehicle is licensed

The spare wheel must comply with the vehicle manufacturers' specification.

All tyres, including the spare where one is provided, must be kept to "MOT standard" at all times.

Re-cut tyres are not permitted.

The spare wheel shall be stored in accordance with the original design of the vehicle in its purpose-designed carrier and in all cases outside of any contact with passenger(s) travelling in the vehicle.

### **Brakes**

An anti-lock braking system is to be fitted.

### **Interior lighting**

Adequate lighting must be provided for the driver and passengers.

Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position. This must be within reach of wheelchair passengers. Lighting must also be provided at floor level to each passenger door and be activated by the opening of the doors.

### **Fuel Systems**

Any engine powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels must be fitted with an automatic inertia fuel cut off device.

An applicant applying for a licence involving a vehicle which has been converted will be required to produce prior to a licence being granted a certificated issued by the relevant association confirming that the conversion is safe.

### **Exhaust emissions**

New taxi models must meet the current and relevant EC Directive for exhaust emissions, i.e. the respective Euro standard.

### **Body**

The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.

A vehicle should not be of such a length which takes up excessive space on a rank and in any case the vehicle must not be in excess of 5 metres in length.

### **Bodywork and wheel trims**

The body work shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims where fitted must be fitted to all road wheels.

The body work must be maintained to a good condition, paintwork must be sound and well maintained and free of corrosion, inferior respray work and 'cover up' temporary repairs.

All rust spots and scratches/dents and repairs with a measurement in excess of 10mm must be prepared and repainted with matching colour to ensure they are returned to as near original condition as possible so that no visible evidence of repair or restoration is detectable.

No panels to have dents, tears, or creases or be of odd colour.

Decals or stickers or any other means must not be used to cover bodywork defects or damage. The vehicle tester reserves the right to ask that any such material be removed if he/she has reason to believe that any attempt has been made to cover up vehicle damage, so the vehicle bodywork can be properly inspected.

### **Facilities for the disabled**

Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.

The vehicle shall have a designated space capable of accepting a reference wheelchair  
The reference wheelchair has a:

- total length of 1200mm, including extra-long footplates
- total width of 700mm
- sitting height (from ground to top of head) of 1350mm
- height of footrest above floor of 150mm

The space for a wheelchair shall be immediately adjacent to a vehicle door.

Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.

Anchorage must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

The vehicle shall have a minimum of 2 means of exit from the passenger compartment.

The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 750 mm (75cm). The minimum angle of a hinged door when opened must be 90 degrees.

The clear height of the doorway must be not less than 1.2 metres.

Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a high visibility contrasting colour and be of non-slip finish.

The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:

- a. be not more than 380mm (38cm) from the ground, (measured at the centre of the tread width);
- b. the surface shall be covered in a slip-resistant material;
- c. have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380mm (38cm) from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements-

- a. not be more than 380mm (38cm) in height from the ground, (measured at the centre of the step width);
- b. not be less than 250mm (25cm) deep;
- c. the surface shall be covered in a slip-resistant material;
- d. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- e. not be capable of operation whilst the vehicle is in motion;
- f. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- g. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.

Where seats are placed facing each other, there must be a minimum space of 350mm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.

A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must be 700mm (70cm) wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

Rear loading of wheelchairs is not permitted.

A mechanism shall be fitted that positively holds the access door in the open position whilst in use particularly if the vehicle is on a slope and such that requires a deliberate effort to close.

### **Passenger compartment**

The vehicle shall have a minimum seating capacity of 4 passengers up to a maximum of 8 passengers and be capable of accommodating at least one passenger confined to a wheelchair.

Occasional seats must be at least 400mm (40cm) in width and the distance from the back of the upholstery to the front edge of the seat must be not less than 350mm (35cm).

Occasional seats must be so arranged as to rise automatically when not in use. When not in use, they must not obstruct doorways.

All passenger seats shall be permanently fixed to the vehicle.

The near-side occasional seat must be of swivel type in order to accommodate the needs of passengers with physical disabilities.

The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.

Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats).

Colour contrasting sight patches are required on all passenger seats.

Head restraints must be fitted for all (forward and rear facing) seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

An induction loop system (or equivalent) must be fitted.

### **Driver's compartment**

The driver's compartment must be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls.

The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, controls must be properly protected from contact with luggage.

Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 115mm (11.5cm).

Where a single-piece glazed partition is fitted, a facility must be provided for making payment to the driver.

### **Visibility – Driver**

A single-piece, full width rear window must be fitted. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

### **Visibility – Passenger**

The windows should maximise passenger visibility into and out of the vehicle to ensure public safety and wellbeing.

The vehicle shall have windows fitted throughout on both sides of the vehicle and to the rear of the passenger compartment.

The bottom of the window line for front and side windows must be low enough to afford passengers adequate visibility out of the vehicle.

Passenger windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent it being mistaken for any other control.

A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.

Windows must permit maximum visibility into, and out of, the vehicle.

Only original manufacturers approved glazing shall be permitted. The light transmitted through the windscreen must be at least 75%.

The front side windows must allow at least 70% of light to be transmitted through them.

Rear windows and rear windscreens must have a visual transmission of light not less than 60%. Windows must be of manufactures specification and must not be changed or have extra tinting applied. Tinted films or spray coatings applied to the vehicle windows are not permitted.

### **Heating and ventilation**

An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.

### **Door fittings**

An approved type of automatic door securing device must be fitted to passenger doors to prevent them being opened when the vehicle is in motion.

When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

The door must not open from the inside if the driver has the foot brake depressed.

The interior door handle must be clearly identified to prevent it being mistaken for any other control.

Rear doors must not obscure any mandatory rear lights when luggage is being loaded or unloaded.

Rear doors when in the open position must not be a hazard to other road users.

### **Table of Fares**

The current Table of Fares shall be displayed in the vehicle so as to be easily and clearly read by any passenger.

### **Licence Plates**

A Hackney Carriage vehicle shall have fitted in a visible and securely fixed position to the rear exterior of the vehicle, a licence plate issued by the Council. An additional smaller licence plate shall also be securely fitted to the front windscreen so that the information can be viewed both internally and externally.

Any external licence plate issued by the Council will include the following information:

- Licence Number
- Registration Number



- Licence Expiry Date
- Number of passengers

A plate provided by the Council identifying the vehicle as a Hackney Carriage vehicle must be securely fixed to the outside the vehicle at the rear in such a manner that the plate is not obscured from view by any fixtures or fittings.

The plate shall be capable of being removed by a constable or authorised Officer of the Council should the Licence be suspended or revoked. Drivers are reminded that it is an offence to drive a licensed Hackney Carriage vehicle whilst not being in possession of a current Hackney Carriage and Private Hire Driver's licence.

### **Safety equipment**

All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency.

The fire extinguisher must be a 1kg or 2kg Multi-Purpose dry power fire extinguisher to BS EN3 standard. It should be readily accessible without delay and the responsibility of the driver to ensure that they are able to use the fire extinguisher in their vehicle.

The vehicle must have emergency equipment within the vehicle which is available to the driver that is maintained and working. This must include as a minimum requirement:

- a torch
- a warning triangle that meets European Standards
- Florescent and reflective tabards which are for use at night and in poor visibility which meets European Standards, one must be available for the driver and one for each passenger the vehicle is permitted to carry.

The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.

### **Floor covering**

The flooring of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned.

The floor covering must not impede the movement of wheelchairs. The colour of the floor covering must contrast with any up-stand areas around it and with the colour of the seats.

All floor areas shall be free of steps, encumbrances or trip hazards.

### **Luggage**

Suitable dedicated provision for the secure carriage of luggage must be made, separated from the passenger compartment and proportionate in size to the number of passengers carried.

There shall be a luggage compartment situated at the front or rear of the vehicle. If at the front it must be forward of a bulkhead/safety screen and on the opposite side of the driving compartment. The luggage compartment must be divided off by a barrier capable of

preventing any luggage from entering the driving compartment or rear passenger compartment.

A suitable restraint system shall be provided so as to minimise any movement of luggage whilst in transit.

### **Taximeter**

The vehicle shall be provided with a taximeter which must be so constructed, attached and maintained as to comply with the requirements of the Council:-

- all taximeters must be calendar controlled, approved and sealed.
- the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
- the taximeter affixed to the vehicle shall be appropriately set to the Council's hackney carriage fare scale currently in force.
- a copy of the Table of Fares shall be displayed within the vehicle and visible to all persons conveyed within the vehicle.

### **Taxi Roof Sign**

A "Taxi" roof sign approved by the Council must be fitted and be clearly visible daytime and night time when the taxi is available for hire.

### **Radio Equipment**

Where equipment for the operation of a two-way radio system is fitted to a taxi, no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.

Any other radio equipment, either in the passenger or driver compartment, must be approved by the Council.

### **Electrical Equipment**

Any additional or non-standard electrical installation to the original vehicle must be installed and tested by a professional installer and be protected by a suitably rated fuse. Any additional installation must comply with all relevant regulations.

The licensing authority must be notified prior to installing CCTV in a vehicle.

### **Licence Period**

Hackney Carriage vehicle Licences shall be granted for a period of 12 months or such other period as the Council may determine from time to time. Expired plates must be returned to the Council or retained by the appointed testing station upon renewal.

### **Dual Plating**

The Council does not allow dual plating of licensed vehicles.

### **Change of Address or Ownership of vehicle**

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place. The proprietor must also complete and submit the required application with fee, as soon as practically possible, and in any case within 14 days, if they transfer ownership of the vehicle.

### **Vehicle Documentation**

The proprietor of a Hackney Carriage vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable:

- (a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Hackney Carriage vehicle;
- (b) the Hackney Carriage Licence issued by the Council;
- (c) a current Ministry of Transport Test Certificate (where applicable)
- (d) the vehicle registration documents; and
- (e) the driving licence issued by DVLA or acceptable equivalent defined by DVLA

### **Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

The colour of the vehicle must not be altered during the period that the vehicle is licensed.

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made once a vehicle has been inspected and a licence granted, at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

## **APPENDIX C**

### **PRIVATE HIRE VEHICLE CONDITIONS**

No vehicle will be authorised as a Private Hire Vehicle unless it conforms with the requirements as set out within this document unless; where justifiable reasons exist the committee may decide to approve the vehicle.

The following are conditions attached to the Private Hire vehicle licence. These conditions are additional to the requirements imposed upon proprietors/drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

The vehicle must meet the criteria set out in the Council's Vehicle Age Standards. Please see Appendix A.

Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.

#### **General Construction, Appearance, Design, Signs, Notices etc**

1. The vehicle shall have at least four doors. All passenger doors must be capable of being opened from inside the vehicle. The vehicle must have adequate seating accommodation for not less than four persons in addition to the driver.
2. No person entering or exiting the vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.
3. The vehicle must not be equipped with any sign or notice such as the word "CAB" or "TAXI" or be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.
4. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
5. Luggage and storage areas must be kept as free space for passenger's luggage.
6. The head lining shall be intact, clean and free from holes, tears, stains or any other damage.
7. Door lining/ handles shall be secure, complete and be capable of being operated both from inside and outside the vehicle. The door linings shall be clean, free from holes, stains or any other damage.
8. The boot shall be kept clean and free of large stains and spills. Matting, if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passenger's luggage except for the storage of the spare wheel and jack.
9. The luggage compartment shall have sufficient capacity to accommodate a reasonable quantity of luggage such as a 20kg suitcase for each of the maximum number of passengers that can be carried.
10. The luggage compartment must be divided off by a barrier capable of preventing any luggage from entering the driving compartment or rear passenger compartment. A suitable restraint system shall be provided as to minimise any movement of luggage whilst in transit.

11. All windows must be clear of any obstruction damage or signage which will impede the view of the driver. All windows must be capable of being operated.
12. Fascia/switches gauges shall be correctly illuminated. All interior and passenger lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires, large holes or sharp edges in the fascia.
13. The trims where fitted should be secure, with no protruding edges.
14. Bodywork must be maintained to a good condition, paintwork must be sound and well maintained and free of corrosion, inferior respray work and 'cover up' temporary repairs.
15. All rust spots and scratches/dents and repairs with a measurement in excess of 10mm must be prepared and repainted with matching colour to ensure they are returned to as near original condition as possible so that no visible evidence of repair or restoration is detectable.
16. No panels to have dents, tears, or creases or be of odd colour.
17. Decals or stickers or any other means must not be used to cover bodywork defects or damage. The vehicle tester reserves the right to ask that any such material be removed if he/she has reason to believe that any attempt has been made to cover up vehicle damage, so the vehicle bodywork can be properly inspected.
18. The vehicle must be right hand drive (exemption is applicable to limousines or speciality vehicles).
19. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
20. The vehicle must be of such design to enable any person in the carriage to communicate with the driver;
21. The vehicle must be fitted with a roof or covering which can be kept watertight;
22. The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.
23. Where application is made for a vehicle wishing to carry less than 4 passengers and have less than a minimum of 4 doors, this will be determined on its own merits. Vehicles that have been determined by the Council that can only accommodate 1 passenger but must have a minimum of 2 side opening doors.

#### **Radio, Microphone, PDA, mobile phone etc**

24. Any radio, microphone, PDA, mobile phone etc. installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

#### **Use of Taximeter**

25. Private Hire vehicles may have a taximeter fitted. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained as to comply with the following requirements:

- (a) all taximeters must be calendar controlled, approved and sealed
- (b) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- (c) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- (d) Private hire vehicles that are fitted with a taximeter must display inside the vehicle a statement of maximum fares of the operator. This shall be displayed inside the vehicle in such a position that is clearly visible to passengers. Operators and / or drivers cannot demand a fare greater than that recorded on the taximeter.

## **Maintenance of Vehicle**

- 26. Private hire vehicles fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards and must be retested every six months as per HSE (Health and Safety Executive) requirements

## **Seating**

- 27. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
- 28. All seats must be properly cushioned or covered. They must still be fully 'sprung', free of stains, tears and not threadbare. There must be no sharp edges which could cause injury or damage. Seat coverings must be sound, intact and clean. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.
- 29. All seating within the vehicle must be forward or rear facing.
- 30. Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption from providing seatbelts.
- 31. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- 32. Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s) are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved, the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- 33. Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must in accordance with the manufacturer's specification and approved for use.

## **Seating Dimensions**

### **Seats (Width)**

- 34. The seat width size requirement is a minimum of 406mm (40.6cm) per person. All measurements are taken across the front of the seat cushion.
- 35. The width for 3 persons of a minimum of 1219mm (121.9cm) shall be measured by taking the actual distance along the front of the seat cushions or between the arm rests.

### **Height (Inside)**

36. There must be sufficient space between the lowest part of the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. This must be at least 840mm (84cm).

### **Knee Space Front and Rear passengers**

37. From the squab of the front seat in its rear most position to the nearest obstruction in front must be at least 910 mm (91cm).
38. From the squab of the back seat to the back of the front seat in its rear most position the measurement must be at least 650 mm (65cm).
39. All front passengers must be able to sit squarely and without causing physical contact with the dashboard or with the driver whilst driving and using the controls.

### **Doors and Windows**

40. All vehicles must comply with the Road Vehicle (Construction and Use) Regulations 1986, which requires the following:-

The windscreen and front side windows must allow at least 70% of light to be transmitted through them.

The light transmitted through the windscreen must be at least 75%.

The front side windows must allow at least 70% of light to be transmitted through them.

**It is the Council's policy that rear windows and rear windscreens must have a visual transmission of light not less than 60%. Windows must be of manufacturers specification and must not be changed or have extra tinting applied. Tinted films or spray coatings applied to the vehicle windows are not permitted.**

41. The vehicle must have windows on all sides of the vehicle and also along the whole of the rear of the vehicle.
42. A device for demisting the rear window must be fitted and in working order.
43. The vehicle must have a minimum of 4 side opening doors.
44. Multi-Purpose Vehicles (MPV) must have a minimum of 3 doors, the rear door not being accepted as one of the 3 doors. 2 of the doors must be on the nearside of the vehicle.
45. All doors on MPVs must be easily accessible to passengers entering or exiting the vehicle. A passenger should not be required to have to climb over any seat or obstacle in order to enter or exit the vehicle.
46. All vehicles must have doors that open sufficiently wide to allow easy entering and exiting of the vehicle by passengers. Seating Access from the doors to the seats must be direct, without having to manoeuvre other seats or obstructions.
47. All vehicles must have doors that open sufficiently wide to allow easy entering and exiting of the vehicle by passengers.
48. All doors must be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.
49. All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism or door handle. Such mechanism or handle must be clearly visible and easily accessible to passengers.
50. Any back doors which may be used for entering or exiting the vehicle must display a notice on the inside of the vehicle advising passengers how to open the doors.
51. The doors and windows must be maintained in good working order at all times, and must be capable of being opened or closed by passengers from within the vehicle unless the window was designed by the manufacturer not to open.

### **Wheels and Tyres**

52. The vehicle must have at least 4 road wheels. A full size spare tyre must be carried in the vehicle or Space-saver spare tyres, where fitted as standard equipment to the vehicle, will be accepted. Provision must be made for the defective standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency or the vehicle must meet the approved manufacturer's method of dealing with punctured tyres. A wheel brace and jack to enable the effective change of a tyre and wheel must be carried.
53. All tyres, including the spare tyre, must comply with the vehicle manufacturers' specification.
54. All tyres, including the spare where one is provided, must be kept to "MOT standard" at all times.
55. Re-cut tyres are not permitted

### **Safety Equipment.**

56. All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency.
57. The fire extinguisher must be a 1kg or 2kg Multi-Purpose dry power fire extinguisher to BS EN3 standard. It should be readily accessible without delay and the responsibility of the driver to ensure that they are able to use the fire extinguisher in their vehicle.
58. The vehicle must have emergency equipment within the vehicle which is available to the driver that is maintained and working. This must include as a minimum requirement:
  - a torch
  - a warning triangle that meets European Standards
  - Florescent and reflective tabards which are for use at night and in poor visibility which meets European Standards, one must be available for the driver and one for each passenger the vehicle is permitted to carry.
59. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.

### **Fuel Systems**

60. Any engine powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels must be fitted with an automatic inertia fuel cut off device.
61. An applicant applying for a licence involving a vehicle which has been converted will be required to produce prior to a licence being granted a certificated issued by the relevant association confirming that the conversion is safe.

### **Licence Plates**

62. A private hire vehicle shall have fitted in a visible and securely fixed position to the rear exterior of the vehicle, a licence plate issued by the Council. An additional smaller licence plate shall also be securely fitted to the front windscreen so that the information can be viewed both internally and externally.
63. Any external licence plate issued by the Council will include the following information:  
Licence Number  
Registration Number  
Licence Expiry Date



- Number of passengers
64. The vehicle to display on the rear passenger doors in a prominent position, Private Hire door stickers, as issued by the Council. These stickers must be permanently affixed to the vehicle. Magnetic door signs are not permitted.
  65. Vehicles are permitted to advertise the name and telephone number of the Operator employing the vehicle, as long as words "Taxi" or "Cab" are not featured.
  66. A plate provided by the Council identifying the vehicle as a Private Hire vehicle must be securely fixed to the outside the vehicle at the rear in such a manner that the plate is not obscured from view by any fixtures or fittings.
  67. The plate shall be capable of being removed by a constable or authorised Officer of the Council should the Licence be suspended or revoked. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current hackney carriage and private hire driver's licence.

### **Roof Signs**

68. The Council will not permit a private hire vehicle to be fitted with a roof mounted sign of any kind.

### **Licence Period**

69. Private Hire vehicle Licences shall be granted for a period of 12 months or such other period as the Council may determine from time to time. Expired plates must be returned to the Council or retained by the appointed testing station upon renewal.

### **Dual Plating**

70. The Council does not allow dual plating of licensed vehicles.

### **Change of Address or Ownership of vehicle**

71. The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place. The proprietor must also complete and submit the required application with fee, as soon as practically possible, and in any case within 14 days, if they transfer ownership of the vehicle.

### **Vehicle Documentation**

69. The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable:
  - (a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
  - (b) the Private Hire vehicle Licence issued by the Council;
  - (c) a current Ministry of Transport Test Certificate (where applicable)
  - (d) the vehicle registration documents; and
  - (e) the driving licence issued by DVLA or acceptable equivalent defined by DVLA

### **Alteration of Vehicle**

70. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
71. The licensing authority must be notified prior to installing CCTV in a vehicle.

72. The colour of the vehicle must not be altered during the period that the vehicle is licensed.
73. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made once a vehicle has been inspected and a licence granted, at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

## **APPENDIX D HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE CONDITIONS**

The following are conditions attached to a hackney carriage and private hire driver's licence. These conditions are additional to the requirements imposed on hackney carriage and private hire drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

### **Driver's Identification Badge**

The Driver must at all times when acting as a driver of a hackney carriage or private hire vehicle wear his/her identity badge, as provided by the Council, in such manner as to be plainly and distinctly visible. The badge must be handed over for inspection, if requested, to any authorised officer or Police Officer for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.

The driver of a hackney carriage or private hire vehicle shall, when required to do so by an authorised officer of the Council or any Police Officer, return the driver's badge and licence to the Council and obtain a receipt for it.

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return the driver's badge to the Council. Badges must be renewed before the expiry date of the existing badge.

### **Dress Code**

The Licensing Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to:

- Raise and maintain the profile of the licensed trade
- Promote confidence amongst members of public to ensure passengers feel comfortable when using licensed vehicles
- Promote public safety by ensuring the safe operation of licensed vehicles at all times and that licensing drivers are readily identifiable

### **Acceptable Standards of Dress:**

- The driver shall be clean and tidy in appearance
- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be of sufficient length to enable them to be tucked into trousers or shorts
- Shirts or blouses can be worn with a tie or open-necked
- Trousers may be either full length or shorts if tailored
- Smart jeans type trousers are permitted
- Footwear should fit around the heel of feet

### **Unacceptable standards of dress within this Code:**

- Bare chests
- Unsuitable/Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics

## **Conduct of Driver**

The driver shall:

- at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- not drink or eat in the vehicle;
- not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle (Drivers are reminded that it is an offence to sound a horn whilst stationary except in traffic and not at all between 11.30pm and 7.00am in areas where there is a 30mph speed limit in force);
- NOT consume ANY alcohol whilst on duty and ensure that he/she complies with statutory legislation in relation to drink driving offences; and
- not use any mobile phone (including a hands free mobile phone) whilst driving.

## **Smoking**

It is against the law for a driver or passenger to smoke in a licensed vehicle. All vehicles are required to be smoke free at all times and 'No smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution. The use of electronic cigarettes (e-cigs), vapours and electronic nicotine delivery systems (ENDS) is prohibited in hackney carriage and private hire vehicles.

## **Passengers**

- The driver shall not convey or permit to be conveyed in a hackney carriage or private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- The driver shall not allow any child below the age of ten years to be conveyed in the front of a private hire vehicle:

## **Written Receipts**

The driver shall if requested by the hirer of a licensed vehicle provide the hirer with a written receipt for the fare paid.

## **Use of Taximeter**

The driver of a vehicle provided with a taximeter shall ensure that the taximeter is sealed and approved by a contracted garage. All meters must be calendar controlled.

- As soon as the vehicle is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer;

- If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

### **Fare to be Demanded**

- The driver shall not demand a fare in excess of (any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare) the fare shown on the face of the taximeter.
- The driver of a private hire vehicle shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare shown on the face of the taximeter.

### **Interference with Equipment**

The driver of a licensed vehicle shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

### **Shortest Route**

The driver of a licensed vehicle shall not without reasonable cause unnecessarily prolong in distance or in time, the journey for which the private hire vehicle has been hired.

### **Assistance with Luggage**

The driver of a licensed vehicle so constructed as to carry luggage shall:

- convey a reasonable quantity of luggage;
- afford reasonable assistance in loading and unloading;
- afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

### **Lost Property**

The driver of a licensed vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein. Any property found shall be returned to the hirer or handed in to the nearest Police Station within 24 hours.

### **Carriage of Other Persons**

The driver of a licensed vehicle shall not permit any other person to be conveyed in the vehicle without the express consent of the first hirer.

### **Prompt Attendance**

The driver of a licensed vehicle shall, if he is aware that the vehicle has been hired, be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by reasonable cause.

### **Change of Address**

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

### **Animals**

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself, the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may be conveyed at the driver's discretion.

The carrying of hearing dog, guide dog or other assistance dog shall not be at the driver's discretion and such a dog accompanying a blind or deaf person must be carried at no additional cost.

### **Health of Driver**

The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

A Group 2 medical certificate completed by a registered general practitioner who is licensed to practice in the UK must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old.

### **Code of Conduct**

The Council requires all drivers to adhere to a Code of Conduct and, failure to do so, will be taken into consideration in disciplinary matters.

### **Documentation**

At the request of an authorised officer of the Council or a Police Officer the driver must within 7 days produce for inspection the following documents:

- the vehicle licence;
- the vehicle registration documents;
- a Certificate of the policy of motor insurance as required by Part IV of the Road Traffic Act 1988 or any other enabling Act;
- where appropriate a Ministry of Transport Test Certificate; or Inspection Certificate and
- his own driving licence issued by DVLA or equivalent as defined by DVLA.

### **Convictions/Cautions**

The proprietor/driver shall within 48 hours disclose to the Council in writing details of any convictions, cautions or arrests, DVLA penalty points etc. imposed on him (or if the proprietor

is a company or partnership, on any of the directors or partners) during the period of the licence.

Licensed drivers must also report to the Council within 7 days any changes to their immigration status, or any convictions of an immigration offence, or any requirement to pay an immigration penalty. A licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the Council within 7 days.

### **Accident to Vehicle**

If a driver of a Hackney Carriage is involved in an accident or incident the driver **MUST** report this to the Council as soon as reasonably practicable, but in any case within 72 hours of the accident or incident. Compliance with this condition does not exempt the driver from his statutory liability to report all accidents to the police.

### **Private Hire - Acceptance of Hirings**

The driver shall not whilst driving or in charge of a private hire vehicle ply for hire or otherwise:

- tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
- cause or procure any other person to tout or solicit on any road or other **PUBLIC** place any person to hire or be carried for hire in any private hire vehicle; or
- offer the vehicle for immediate hire whilst the driver is on a road or **PUBLIC PLACE** or **PRIVATE PROPERTY**.

Before commencement of a journey the driver shall confirm the passenger's name and destination. The driver shall confirm the fare before the commencement of the journey unless a sealed meter is used in accordance with the current Table of Fares.

### **Hackney Carriage – Bylaws**

The driver of a hackney carriage shall comply at all times with the hackney carriage Bylaws. Please refer to Appendix C.

## **APPENDIX E PRIVATE HIRE OPERATOR CONDITIONS**

### **Introduction**

Private Hire Operators are licensed to provide pre-booked journeys for passengers at an agreed fare. Legislation states that the journey must be pre-booked with the operator prior to commencing, where a fare is undertaken without being pre-booked it is against the law and the driver's insurance will almost certainly be invalid.

The Council has a responsibility to regulate Private Hire Operators in accordance with legislation, when receiving an application as well as considering any legislative requirements. Local Authorities also have the ability to take into consideration local factors or issues that may be relevant when granting a licence.

When considering a new application for an operator's licence we will consider the location of the premises, parking arrangements for vehicles and what the effect of granting the licence is likely to have on anyone in the vicinity, this includes residents, the public and other businesses.

Some locations such as the city centre and other densely populated areas do not easily accommodate businesses such as the private hire trade due to the space required for vehicles etc. Due to this we would not grant a licence unless the applicant can demonstrate such measures to ensure that there will not be a detrimental effect on anyone in the vicinity, this will also include any parking infringements by drivers visiting the office that are encouraged due to the location.

In granting a licence the Council will attach conditions to the licence, and as part of the Council's role within regulation it will ensure compliance by the operator to these conditions. Some conditions are prescribed by legislation and are mandatory; others are adopted locally where deemed appropriate or necessary.

It should be remembered that where conditions are set by legislation then these cannot be amended or removed and therefore will continue to be attached to all operator licences.

These conditions are in addition to the requirements imposed upon operators by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to enforcement action which could lead to suspension or revocation of the licence and/or prosecution.

### **Planning Requirements**

(a) There shall (where planning legislation and practice requires it) be in force for the premises from which the business is to be conducted a valid planning consent. Operators must comply fully with any condition attached to such consent.

(b) Where planning consent is not required written confirmation from the Council's planning department will be required.

(c) In the case of an operator with only one vehicle operating from a residential address and the Council's planning department has confirmed that planning permission is not required the following conditions must be adhered to:

(i) only one vehicle can operate from the premises

(ii) customers must not visit the premises

(iii) customers must be picked up away from the premises

(iv) any advertising from the premises must have prior approval from the Council's planning department.

### **Records**



## Records of vehicles and drivers

(a) The operator shall be responsible for maintaining at his premises **(AND AT EACH SUCH PREMISES IF OPERATING FROM TWO OR MORE PREMISES)** particulars of all vehicles operated by him, which shall include the following:-

- (i) the call sign or other identifying mark used on booking records;
- (ii) the licence plate number;
- (iii) the vehicle registration number;
- (iv) the name and address of vehicle proprietor;
- (v) a valid current certificate of motor insurance for the vehicle together with, where appropriate, a Ministry of Transport certificate and or certificate of compliance, and ensure both the driver and vehicle hold a current licence issued by the same authority;
- (vi) the names and addresses of drivers and the badge numbers of drivers.

(b) The above records to be produced on request to an authorised officer of the Council or to a Police Officer.

(c) Operators must provide due diligence in the form of written records to demonstrate that staff and drivers are fully trained and aware of their responsibilities. Operators may demonstrate this with training records to include safeguarding and disability awareness, other checks performed by the operator, company policies etc. The due diligence records must be made available to an authorised officer upon request.

(d) Operators who provide wheelchair accessible vehicles (WAV) must ensure that the driver is appropriately trained and has carried out a wheelchair assessment approved by the Council. This assessment must be documented and refreshed at renewal of the drivers licence. These training records must be available for inspection by an authorised officer.

## Records of bookings

(a) Before the commencement of each journey of every private hire booking the operator shall enter in a suitably bound book or onto an appropriate computer software package with a backup system, to be held at the premises from which the booking is made, the following details:-

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver and their licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

If the above data is to be retained electronically, the operator must make appropriate provision to ensure it is backed up to maintain data integrity and retention period.

(Note: If a licence plate number or call sign is used, a record showing the vehicle registration number and the plate number or call sign allocated shall be displayed and kept on the licensed premises).

(b) If an operator subcontracts a booking to another licensed operator, both operators must keep a record of bookings. The initial operator who accepted the booking must provide due diligence of checks made to ensure the operator they passed the booking onto is correctly licensed. This due diligence must be documented and made available to an authorised officer.

(c) The records shall be kept for a period of not less than six months from the date of the last entry, or such longer period as required by an authorised officer of the Council and must be produced on reasonable request to any such officer or to a Police Officer.

### **Information as to Charges**

No operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first drawing the attention either orally or in writing to the person making the booking, information as to the basis of charge for the hire of the vehicle. The Operator shall ensure that such information is passed to the driver.

The operator may charge whatever fee has been agreed between him/herself and the hirer before the commencement of the journey. However, the operator shall inform the Council of the basic scale of fares intended to be charged and give the Council one calendar months' notice of any changes proposed.

### **Statement of Fares**

Operator's who provide private hire vehicles that are fitted with a taximeter must ensure that the vehicle displays a current statement of maximum fares as set by the Council.

Operator's must make customers fully aware of any additional charges which may be applied, e.g.

- (a) the minimum charge of each hiring (if any);
- (b) the fare tariff;
- (c) any additional charges (eg. cleaning a soiled vehicle)

These additional charges must be clearly displayed in the operator's office and website where available.

### **Term of Licence**

A Private Hire Vehicle Operator's Licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing, or the applicant's immigration status limits it to a shorter duration.

### **Ofcom licence**

Operators who utilise a radio system will be required to provide proof of their current licence from Ofcom.

### **Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place the vehicle shall, unless delayed or prevented by reasonable cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities and has valid public liability insurance in place for this area.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (f) Ensure that no additional charges or costs are levied or applied by them or their drivers for the conveying of assistance dogs.

(g) Where the operator has a wheelchair accessible vehicle within their fleet, ensure that no additional costs are levied by them or their drivers for conveying disabled passengers.

### **Disorder**

The holder of an operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.

### **Change of Address**

(a) The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

(b) Where there is a change of address from which the business is conducted, the operator must ensure that all necessary requirements including any planning permissions are in place prior to the business operating from the new location.

### **Convictions/Cautions**

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

(b) The operator must notify the Council within seven days of any changes to their immigration status or, if since the grant of their licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.

(c) An operator's licence ceases to be in effect if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies the person must cease to operate and return their operator's licence to the Council within 7 days.

### **Facilities for Passengers**

(a) The operator shall ensure that where any passenger waiting area or room is provided it is kept physically separate from any driver rest area and operations room.

(b) The operator shall ensure that his/her staff, driver's, vehicle proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath or any other public place adjacent to his/her licensed premises whilst waiting for the arrival of vehicles.

(c) The operator shall ensure that the internal and exterior of EACH of HIS/HER premises ARE kept in good repair.

### **Taximeters**

(a) The operator shall ensure that vehicles operated by him which are fitted with a sealed taximeter, charge a fare or charge calculated from the point in the district at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of the journey. The taximeter being brought into operation at the commencement of the journey.

(b) The operator must ensure that all vehicles operated by his base station fitted with meters have been approved and sealed.

### **Acceptance of Bookings**

(a) The operator must advise all drivers OF VEHICLES IN RESPECT OF WHICH HE ACCEPTS A BOOKING THAT, whilst on duty, being in charge of a licensed private hire vehicle HE shall not ply for hire or otherwise:-

(i) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;

(ii) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or

(iii) offer the vehicle for immediate hire whilst the driver is on a road or public place or private property.

(b) The Operator/Proprietor shall not permit any person not being the holder of a valid licence issued by the Council to drive a licensed private hire vehicle.

### **Satellite Offices**

Where a satellite office is in operation the following conditions will apply in addition to those previously mentioned:

(a) Private hire vehicles must not park illegally on the public highway in the vicinity of the satellite office, breach road traffic legislation or breach parking restrictions or cause obstruction or annoyance to the public, other road users or other businesses.

(b) Vehicles must not be allowed to congregate in the vicinity of the satellite office unless there is adequate off street parking to accommodate all vehicles.

(c) Private hire vehicles must only attend the satellite office to undertake pre-booked fares and should depart immediately on the collection of their passenger

(d) Vehicles should not be dispatched to the satellite office unless the passenger is ready for collection.

(e) Booking records must be kept in accordance with this document.

(f) Driver's must not take bookings direct from customers.

### **Complaints**

Where any complaint is made against a private hire driver then the complainant shall be requested to out that complaint in writing and submit it to the Council or the proprietor who shall in turn within 48 hours of its receipt, respond or notify the Council.

If an operator is made aware of a safeguarding or serious complaint relating to the 'fit and proper' status of a driver, they must notify the Council immediately and provide details of the actions taken by the operator.

### **Additional conditions for operators to meet the DFT National Standards**

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

**Condition:** Following the issue of an operator licence the licence holder is required to submit to this Authority an up to date result of a Basic DBS Check on an annual basis.

**Guidance Regarding Licence Condition:** This means that a check must be obtained and supplied in respect of a sole individual, or each individual where the licence is held by multiple individuals, or each director of a limited company licence holder.

DBS certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the certificate is submitted to this Authority.

This requirement will not relate to any individual holding a current private hire or hackney carriage driver's licence issued by the SHDC and that person has:

- signed up to the DBS Update Service, and,
- completed this Authority's 'DBS Update Service Authorisation Form'.

## 14. Booking & Dispatch Staff

**Condition:** Where the holder of this licence employs a person or persons to take vehicle bookings (be it by phone or in person) and/or a vehicle dispatcher or dispatchers (who decide which driver to send to a user), then the following shall apply:

- The licence holder shall maintain a register detailing all staff that will take bookings or dispatch vehicles.
- The licence holder shall ensure that Basic DBS checks are conducted on all current individuals on the register and any individuals added to the register and that the DBS certificate provided by the individual has been recently issued when viewed.
- The licence holder shall be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff.

**Guidance Regarding Licence Condition:** Some private hire vehicle operators will be employing persons to take vehicle bookings (be it by phone or in person) and vehicle dispatchers who decide which driver to send to a user.

In line with the requirement laid down in the Statutory Taxi and Private Hire Vehicle Standards, issued by the Department of Transport, any operator licence granted or renewed by this Authority is subject to the above licence condition requiring the licence holder to maintain a register of all staff that will take bookings or dispatch vehicles.

In addition, the licence condition will require the operator to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff. The condition requires the operator to ensure that Basic DBS checks are conducted on any individuals added to the register and that the certificate provided by the individual has been recently issued when viewed.

In order to undertake the above requirement operators will need to adopt a written policy on employing ex-offenders.

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/employer of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as the hire booking records are kept - this will enable cross-referencing between the two records.

A record that the operator has had sight of a Basic DBS Certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains 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.

## 15. Policy on Employing Ex-Offenders

**Condition:** A licence holder employing Booking & Dispatch Staff must hold and maintain a Policy on Employing Ex-Offenders.

**Guidance Regarding Licence Condition:** This Authority recommends that the policy indicates that those with a current (unspent) conviction for any of the offences listed below, would not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a licensed vehicle:

- Crime resulting in death
- Exploitation
- Offence involving violence against the person
- Possession of a weapon
- Sexual offences
- Dishonesty
- Drugs
- Discrimination

## 16. Use of Passenger Carrying Vehicle (PCV) Licensed Drivers

**Condition:** The use of a driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) to undertake a private hire vehicle booking will not be permitted without the informed consent of the booker.

**Guidance Regarding Licence Condition:** In line with the requirement laid down in the Statutory Taxi and Private Hire Vehicle Standards, any operator licence granted or renewed by this Authority will be subject to the above licence condition. Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to a different level of licensing checks and not required to have an Enhanced DBS check.

### NOTES:

**Data Protection:** Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

<https://ico.org.uk/>

**Operator Licence Renewal Application - DBS Check:** Licence renewal applications must be accompanied by a Basic Disclosure Certificate, issued by the Disclosure and Barring Service (DBS) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the application was made.

The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by SHDC and the driver licence was granted or renewed by this Authority within six-months prior to the operator licence application.

These individuals have already been assessed for their fitness and propriety during their application for a driver licence, and as such no further checks of any criminal record history for that particular applicant, at the time of the renewal application, will be considered necessary.

Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a driver licence application pack) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be

determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.

## **APPENDIX F**

### **Stretched Limousines and Speciality Vehicles Licence Conditions**

The Council reserve the right to consult with DVSA (Driver and Vehicle Standards Agency) if it believes a vehicle does not meet the standards set out in the latest version of their document for 'Guidance for Limousine Operators' and it believes a vehicle does not meet the standards of roadworthiness as set out in the categorisation of vehicle defects. The Council may refuse any vehicle upon application that does not meet the criteria.

It is the responsibility of each applicant to ensure that no more than 8 (Eight) passengers are ever transported in the vehicle at any one time. Seating capacity can be defined by the number of seating positions, which again can be defined by sculpting in the seat and/or seat belts. When signing the vehicle licence application you are confirming that you will adhere to this.

On application for a limousine vehicle licence the applicant must be able to prove that the vehicle is of an approved standard to be used on the UK highway. If a vehicle is less than ten years of age it will require an IVA (Individual Vehicle Approval) certificate, a current MOT test certificate and a V5 vehicle registration certificate. Any vehicle over ten years of age will require a current MOT test certificate and a V5 vehicle registration certificate.

If any applicant is unsure how to obtain the relevant registration documentation, they should contact DVLA and/or DVSA.

For the licensing of speciality vehicles, each vehicle must comply with the Road Vehicle (Construction and Use) Regulations. It is expected that the type of vehicle relevant to this category of licensing would be a Rolls Royce, Daimler, Bentley, Jaguar or other high end models from manufacturers such as BMW or Mercedes Benz however this list is non-exhaustive and approval will be at the Council's discretion; Also incorporated into this section would be vintage or classic cars.

All vehicles when presented for inspection must have all relevant documentation such as the MOT test certificate and a V5 vehicle registration certificate

All limousine and speciality vehicles should ideally be chauffeur driven vehicles, and will not be permitted to be used for standard day to day private hire work.

#### **Licensing Requirements**

The general conditions imposed for private hire vehicle operators and drivers will be applicable to the licensing of stretch limousines and speciality vehicles unless amended by the following provisions.

The general conditions imposed by the Council for private hire vehicles where applicable to the licensing of stretch limousines and speciality vehicles are included in Section 2, General Conditions for Hackney Carriage and Private Hire Vehicles.

The type of work undertaken by stretch limousines will differ significantly from that of regular private hire work in that the vehicle will only be licensed for the carriage of passengers for special events, examples of which are:

- Prom nights
- Theatre trips
- Hen nights
- Stag nights
- Party trips
- Race days



or any other similar events considered by the Council to be special in nature. However, vehicles used solely for weddings and funerals are exempt from the requirements of private hire licensing.

### **Private Hire Operator's Licence**

Persons taking bookings for private hire work using stretch limousines or speciality vehicles will be required to hold a private hire operator's licence issued by the Council.

All bookings of a limousine or speciality vehicle for use as a private hire vehicle must be made through a licensed private hire operator. Any vehicle licensed by the Council will only be used for hire under the terms of a private hire operator's licence already issued or granted to an operator within the District or to any new licensed operator.

### **Private Hire Driver's Licence**

Any person driving a stretch limousine or speciality vehicle for private hire will be required to be licensed as a hackney carriage/private hire driver by the Council.

### **Stretched Limousine - Definition**

A stretch limousine is defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by an authorised coachbuilder that is capable of carrying up to but not exceeding 8 passengers. There will be no age limit for first registration and no maximum upper age limit, subject to the vehicle being mechanically and physically maintained in accordance with the provisions of the Council's standard conditions relating to private hire vehicles.

In order for the limousine to be considered for licensing, the applicant must prove that the "stretch" was carried out by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines must have been built by an approved coachbuilder under the QVM programme, (Qualified Vehicle Modifier) for Ford vehicles or the CMC programme (Cadillac Master Coachbuilders). The onus is placed upon the applicant to prove that the vehicle meets the prescribed standards.

Once licensed as a private hire vehicle, the limousine will be subject to any statutory requirements imposed by Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Stretch limousines will be regarded as luxury vehicles used for special events. The use of such a vehicle for standard private hire work is not considered to be appropriate.

### **Vehicle Testing**

A stretched limousine vehicle will be subject to a **twice yearly mechanical examination** at intervals to be specified by the Council, at an approved vehicle testing station that is suitably able to inspect the type of vehicle, in order to determine its safety and suitability for the type of work for which it is to be licensed. This will apply to all stretched limousines regardless of age, date of import or date of registration. **A licence for a stretched limousine will be issued for a period of 12 months only**, renewal subject to a satisfactory retest.

Even if a vehicle meets the above criteria the Council may still refuse an application if it considers that the vehicle is not suitable in type, size and design or if it considers the vehicle is not in a suitable mechanical condition or is unsafe or appears uncomfortable.

The Vehicle Registration Document V5 must indicate in the field "Type Approval Number" that it has undergone one of the following approvals and meets the technical standards of either:

- a European Whole Vehicle Type approval, or
- a British National Type approval, or
- an Individual Vehicle Approval (IVA) (formerly known as the Single vehicle Approval scheme (SVA)).

Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.

Documentation is to be provided proving that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer e.g. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.

A plate on the door pillar shall confirm the total weight of the vehicle.

DVLA V5 or equivalent shall be produced to authenticate registration.

A speciality vehicle will be subject to an **annual MOT test** at any DVSA authorised MOT testing centre. This will apply to all speciality vehicles regardless of age, date of import or date of registration. **A licence for a speciality vehicle will be issued for a period of 12 months**, renewal subject to a satisfactory retest.

Limousine and speciality vehicles will receive an exemption to display an external identification plate, a paper permit will be issued which must be clearly displayed on the nearside of the front windscreen.

An exemption notice will be issued and must be carried in the vehicle at all times, the notice must be produced upon request by an authorised officer of the Council or any police officer on request.

The driver will also be exempt from wearing a private hire badge under the exemption notice. But must have it available for immediate inspection by an authorised officer of the Council or any police officer on request.

## **Vehicle Requirements**

Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).

Where applicable, an installation certificate must be produced from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.

The vehicle must maintain valid road vehicle excise duty.

Vehicles may either be left or right hand drive.

Vehicles must be fitted with at least 4 doors (limousines).

All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations (limousines). In the case of speciality vehicles seat belt requirements will depend on the Road Vehicle (Construction and Use)

Regulations relating to the age of the vehicle; where this allows for seatbelt exemption children must not be carried in the vehicle.

Stretch limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by DVSA.

### **Passengers**

The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.

The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age.

Passengers must not be carried in the front compartment.

### **Insurance**

The vehicle must have 'hire and reward insurance' to carry out private hire work and a full policy of insurance must be presented before the vehicle is licensed. An insurance cover note will not be accepted.

### **Alcohol**

Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.

No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the licensing Act 2003 permitting the sale or supply of the same.

If there are any passenger's below the age of 18, then there shall be no alcohol in the vehicle.

Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

### **Entertainment**

The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).

Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements. Activities which are prohibited within the vehicle are:

- Striptease
- Lap Dancing
- Pole Dancing
- Any other activity or performance of a like kind.
- The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of passengers being conveyed. In deciding what a suitable regard shall be, the driver must take notice of the classification of the video, DVD or recorded image awarded by the British Board of Film Classification

### **Advertisements**

No signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council. There is no requirement for the vehicle to display a door sign denoting the operator's details.

In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry a maximum of 8 passengers and a sign to this effect must be displayed within the passenger compartment of the vehicle.

### **General Conditions for Private Hire Vehicles which are Applicable to Limousines**

Listed in this section are the conditions taken from the Council's general conditions for private hire vehicles which are applicable to the licensing of stretch limousines and speciality vehicles.

#### **Maintenance of Vehicle**

- a) The vehicle shall be of such a design to enable any person in the carriage to communicate with the driver;
- b) The vehicle will be provided with a proper carpet, mat or other suitable covering on the floor;
- c) The vehicle will be kept in a clean, safe condition and well maintained and in every way fit for public service; and
- d) The vehicle will be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage.

#### **Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

#### **Change of Address**

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

#### **Vehicle Documentation**

The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.

- a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
- b) the Private Hire vehicle Licence issued by the Council;
- c) a current Ministry of Transport Test Certificate or Certificate of Compliance (where applicable);
- d) the vehicle registration documents; and
- e) the driving licence (issued by DVLA)

#### **Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

## **Employees**

If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

## **Right of Appeal**

Under Section 48 (7) of the 1976 Act, any person aggrieved by the refusal of the Council to grant a private hire vehicle licence, or any conditions specified in such a licence may appeal to a Magistrates' Court.

Please note that failure to comply with any of the aforementioned conditions including the general conditions relating to private hire vehicles may result in the commencement of criminal proceedings, and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence.

## **APPENDIX G**

### **Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades**

#### **Department for Transport - Statutory Taxi and Private Hire Vehicle Standards (June 2020)**

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

#### 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

## APPENDIX H

### EXECUTIVE VEHICLES

It is not intended that a significant number of private hire vehicles should be exempt from the Council's requirement to display an external vehicle identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

The Council does not seek to provide a definite list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external vehicle identification plates.

This section provides guidance to potential applicants on the standards of vehicle, comfort and equipment that the Council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application.

The exemption from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be permitted.

Each application will be assessed on its own merit and each vehicle will be inspected by an authorised Council officer to ensure that it is fit for purpose.

The Council will allow an exemption for "executive vehicles" to operate without displaying external identification plates (private hire vehicle licence plate) and the requirement for a driver not to wear a driver's badge.

Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;

- a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles.
- b) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as "S" and "E" Class Mercedes- Benz, 7 Series BMW, Lexus "GS" or "LS" models, Audi A8 Series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered).
- c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
- d) The type of work is "executive" in nature. This means that the vehicle is used specifically and exclusively to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

Applications may only be made by a person holding a private hire operator's licence issued by the Council.

Where an operator wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application must be accompanied by supporting documentation and a non-refundable fee.

The Council may require applicants to provide additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.



Where an application is granted, an exemption notice will be issued as soon as practical after the decision is made.

Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for the same period of time as that vehicles private hire licence unless either the licence or notice is otherwise surrendered or revoked.

Exemption notices may be renewed annually subject to the vehicle undergoing an inspection by a licensing officer to ensure that it continues to be fit for purpose for an exemption.

Applicants have the right to appeal a decision where a grant of a notice is refused or revoked; appeals must be in writing and will be reviewed by the licensing committee.

All vehicles granted an exemption notice must in addition to this policy also comply in accordance with the requirements of the Council's standard private hire conditions.

Where there is any inconsistency between the standard private hire conditions and these conditions, then these conditions shall prevail.

### **Executive Vehicle Conditions**

- a) The internal vehicle licence plate and exemption notice issued by the Council in accordance to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
- b) In the event of loss or damage rendering the internal plate or notice unserviceable the operator shall make immediate application for a replacement which a fee is payable.
- c) The exemption notice issued by the Council must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the Council or any police officer on request.
- d) When issued an exemption notice, the vehicle will not be required to display door signs which the Council require private hire vehicles to display.
- e) When issued an exemption notice a taximeter must not be installed in the vehicle.
- f) The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- g) The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising third party companies, products or services.
- h) During the period of the exemption notice the driver will not be required to wear a private hire drivers badge but must have it available for immediate inspection by an authorised officer of the Council or any police officer on request.
- i) During the period of exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie. Female drivers must follow an equivalent dress code but will not be required to wear a tie. The dress code shall be followed at all times the vehicle is being used to undertake a booking.
- j) The operator will notify the Council immediately of any change of use of the vehicle.
- k) The vehicle must not be used for private hire purposes other than for executive use (i.e. not for "normal" airport journey's or daily private hire use).
- l) The driver and passenger front side window glass and front windscreen must be clear. However tinted windows can be fitted to the rear side and rear window glass of the

vehicle as long as they are factory fitted, comply with current legislation and comply with any current private hire vehicle conditions.

- m) The exemption will cease to have an effect on the sale or transfer of the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale or transfer of ownership immediately and in writing. The exemption notice must be returned to the Council along with the private hire vehicle internal licence plate.

## APPENDIX I

### CCTV specification

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice. We have no mandatory scheme in relation to such equipment at this time.

If you do fit such a system to your vehicle, you are required to notify the Council prior to installation so that we can update our records. The information provided below is to assist you should you consider fitting any system to your vehicle.

### Code of Practice

Should you wish to fit such equipment, you should ensure that any system fitted to your vehicle complies with the Information Commissioners Office "CCTV Code of Practice", which states that:

*CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way. There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:*

- Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.*
- Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.*
- Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite*
- Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.*

*In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.*

Transport for London have adopted the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles, and we recommend that should you wish to fit such a system with audio recording enabled, that you follow the Transport for London model which states that:

*Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.*

*The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.*

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a Hackney Carriage or Private Hire vehicle must register with the ICO (Notification) and obtain documented evidence of that registration.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

All Taxis and Private Hire Vehicles fitted with Audio and Visual Recording Equipment must display signage informing passengers that the vehicle is equipped with such a system. The driver may also wish to verbally bring to the attention of the passengers that such equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out. The name and the contact telephone number of the Data Controller must be included on the sign.

Where a system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

## Appendix J

### Safeguarding and Driver Training

Safety, security and welfare applies to passengers and licensed drivers. Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The Council supports the use of CCTV in licensed vehicles, but has not made it a mandatory condition of licences at this time. Proprietors and operators should consider the benefits and disadvantages of safeguarding measures such as, CCTV, cashless payment systems, communication systems, etc. in licensed vehicles in their risk assessments.

Drivers and operators may refuse to carry any passenger if they have good cause, e.g. a customer's behaviour or demeanour is threatening, offensive or abusive or has previously refused payment. Where this occurs drivers and operators should keep records of why the service was refused.

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

Licensed drivers, proprietors and operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or operator have any concerns about the vulnerability of a child or public safeguarding they must report this immediately as it may prevent the vulnerable child from becoming a victim. Reports of imminent danger should be made to the police on 999. Where there is no immediate danger, or you wish to pass on some information or intelligence please call 101.

### Driver Training

All new drivers are required to complete an approved training/awareness raising course in relation to safeguarding children and vulnerable people. This is an approved course and details are supplied through the Council.

The Council also requires that all existing licence holders must complete refresher training in relation to safeguarding children and vulnerable adults. This must be completed every 3 years. **Information about safeguarding training is available here:** [Driver safeguarding - South Holland District Council \(sholland.gov.uk\)](http://sholland.gov.uk)

### Referrals to the Disclosure and Barring Service and the Police

In some circumstances it may be appropriate for this Council, under the Safeguarding Vulnerable Groups Act 2006 to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the Council to make a referral in this context arises from the undertaking of a safeguarding role.

Further guidance has been provided by the DBS. The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the 'harm test' ; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list. These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made.

## APPENDIX K

### NR3 Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

#### 1.0 Overarching principles

1.1 This policy covers the use that South Holland District Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence<sup>1</sup>. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

1.2 South Holland District Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

1.3 When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, South Holland District will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

1.4 Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

1.5 For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application<sup>2</sup>.

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<sup>1</sup> Throughout this policy reference is made to 'taxi drivers licence.' This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

<sup>2</sup> The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

1.6 Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated<sup>3</sup>. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined<sup>4</sup>.

1.7 The data will be held securely in accordance with South Holland District Council's general policy on the secure retention of personal data which is available online at [https://www.South Holland District Council.gov.uk/dataprotection](https://www.SouthHollandDistrictCouncil.gov.uk/dataprotection). At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction of personal data which is available at [https://www.South Holland District Council.gov.uk/dataprotection](https://www.SouthHollandDistrictCouncil.gov.uk/dataprotection).

## **2.0 Making a request for further information regarding an entry on NR35**

2.1 When an application is made to this authority for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3.

2.2 This authority will make and then retain a clear written record<sup>6</sup> of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search;
- and the use made of the results of the search (this information will be entered to the register at a later date).

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<sup>3</sup> Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

<sup>4</sup> Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

<sup>5</sup> This section of the template policy relates to the submission of a request by the second authority.

<sup>6</sup> This can be electronic, rather than "pen and paper" hard copy.



2.3 This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

2.4 If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

2.5 This request will be made in writing in accordance with the form at appendix 1 of this policy.

2.6 It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

### **3.0 Responding to a request made for further information regarding an entry on NR3<sup>7</sup>**

3.1 When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years<sup>8</sup>.

3.2 This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

3.3 This authority will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

3.4 If this authority is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed<sup>9</sup>. This will be determined by an officer who has been trained to discharge this function.

3.5 Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

3.6 This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within South Holland District Council Criminal Convictions Policy<sup>10</sup>. Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or

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<sup>7</sup> This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

<sup>8</sup> This record can be combined with the written record of the action taken as a result of the request.

<sup>9</sup> If the 1st authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1st authority and the 2nd authority.

<sup>10</sup> Available as part of the Taxi and Private Hire Guidance available online at [www.SouthHollandDistrictCouncil.gov.uk/taxi](http://www.SouthHollandDistrictCouncil.gov.uk/taxi)

revocation relates to a conviction (or similar as defined in the IOL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

3.7 Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

3.8 The officer will record what action was taken and why. This authority will make and then retain a clear written record<sup>11</sup> of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

3.9 This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

#### **4.0 Using any information obtained as a result of a request to another authority**

4.1 When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications (in line with Woking Borough Councils Taxi and Private Hire Guidebook and the Criminal Convictions Policy)

4.2 This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

4.3 Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

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<sup>11</sup> This can be electronic, rather than "pen and paper" hard copy.

**Appendix L**  
**Policy Review**

<b>Date</b>	<b>Amendments</b>	<b>Approval</b>

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